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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1992/32.

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Introduction

1. At its forty-first session, the Commission on Human Rights adopted resolution 1985/33, in which it decided to appoint a special rapporteur to examine questions relevant to torture. Since then the mandate has been renewed by Commission resolutions 1986/50, 1987/29, 1988/32, 1990/34 and 1992/32. In resolution 1992/32, the Commission extended the mandate for a period of three years. In pursuance of these resolutions, the Special Rapporteur submitted annual reports to the Commission, which are contained in documents E/CN.4/1986/15, E/CN.4/1987/13, E/CN.4/1988/17 and Add.1, E/CN.4/1989/15, E/CN.4/1990/17 and Add.1, E/CN.4/1991/17, E/CN.4/1992/17 and Add.1 and E/CN.4/1993/26.

2. In its resolution 1993/40, the Commission took note of the resignation of Mr. P. Kooijmans as Special Rapporteur and requested the Chairman, after consultations within the Bureau, to appoint an individual of recognized international standing as his successor. As a result, Mr. Nigel S. Rodley (United Kingdom) was appointed Special Rapporteur.

3. In conformity with resolutions 1992/32 and 1993/40, the newly appointed Special Rapporteur hereby presents his first report to the Commission. Chapter I deals with a number of aspects pertaining to the mandate and methods of work. Chapter II consists mainly of a review of the information transmitted by the Special Rapporteur to Governments, as well as the replies received, from 15 December 1992 to 15 December 1993. Chapter III contains conclusions and recommendations.

4. In addition to the above-mentioned resolutions, several other resolutions adopted by the Commission on Human Rights at its forty-ninth session are also pertinent within the framework of the mandate of the Special Rapporteur and have been taken into consideration in examining and analysing the information brought to his attention with regard to the different countries. These resolutions are, in particular:

(a) Resolution 1993/41, entitled "Human rights in the administration of justice", in which the Commission called upon its special rapporteurs and working groups to give special attention to questions relating to the effective protection of human rights in the administration of justice, in particular with regard to unacknowledged detention of persons, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for possible concrete measures under advisory services programmes;

(b) Resolution 1993/45, entitled "Right to freedom of opinion and expression", in which the Commission invited the special rapporteurs to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised this right.

(c) Resolution 1993/46, entitled "Integrating the rights of women into the human rights mechanisms of the United Nations", in which the Commission requested all its special rapporteurs and working groups to include regularly and systematically in their reports available information on human rights violations affecting women;

(d) Resolution 1993/47, entitled "Human rights and thematic procedures", in which the Commission recommended that Governments that had invited any of the thematic special rapporteurs to visit their countries consider follow-up visits and encouraged Governments to respond expeditiously to requests for information so that the thematic special rapporteurs concerned might carry out their mandates effectively. It also encouraged Governments encountering problems in the field of human rights to cooperate more closely with the Commission through the pertinent thematic procedures, in particular by inviting a thematic special rapporteur or working group to visit their countries. It further encouraged the thematic special rapporteurs and working groups to follow closely the progress made by Governments in their investigations carried out within their respective mandates and requested them to include in their reports gender-disaggregated data, as well as comments on problems of responding and the results of analyses;

(e) Resolution 1993/48, entitled "Consequences for the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers", in which the Commission requested the Special Rapporteurs to continue paying particular attention to the adverse effect on the enjoyment of human rights of such acts of violence;

(f) Resolution 1993/64, entitled "Cooperation with representatives of United Nations human rights bodies", in which the Commission urged Governments to refrain from all acts of intimidation or reprisal against persons cooperating with representatives of United Nations human rights bodies, availing themselves of human rights protection procedures established under United Nations auspices or providing legal assistance for this purpose, as well as those who submit communications under procedures established by human rights instruments and relatives of victims of human rights violations. It also requested representatives of human rights bodies to continue to take urgent steps to help prevent the occurrence of such intimidation and reprisals.

I. MANDATE AND METHODS OF WORK

5. The Special Rapporteur has followed the principle of continuity in the discharge of the mandate conferred on him pursuant to Commission on Human Rights resolution 1992/32 and other resolutions of the Commission. Thus, his work is characterized by the following main types of activity:

(a) Seeking and receiving credible and reliable information from Governments, the specialized agencies and intergovernmental and non-governmental organizations;

(b) Making urgent appeals to Governments to clarify the situation of individuals whose circumstances give grounds to fear that treatment falling within the Special Rapporteur's mandate might occur or be occurring;

(c) Transmitting to Governments information of the sort mentioned in (a) above indicating that acts falling within his mandate may have occurred or that legal or administrative measures are needed to prevent the occurrence of such acts; and

(d) Exploring the possibility of visits to States with a view to gaining more direct knowledge of cases and situations falling within his mandate and identifying measures to prevent the recurrence of such cases and to improve the situations.

6. As far as urgent appeals are concerned, the Special Rapporteur has been formally requested by one Government (Turkey, letter of 10 September 1993) and informally requested by another to clarify the criteria he uses in deciding to make an urgent appeal. In both cases he indicated to the respective Governments that, since they were raising an issue of general concern he would address the matter in the present report. This would allow the Commission on Human Rights to take cognizance of the issue and offer any guidance it might deem appropriate. In this connection, the Special Rapporteur draws the attention of the Commission to the relevant passage in the report of his predecessor to the Commission at its forty-eighth session (E/CN.4/1992/17). In paragraph 14, he stated:

> "The urgent appeal procedure is basically different from the transmittal of communications about alleged cases of torture. An urgent appeal is made whenever the Special Rapporteur receives information that a person has been arrested and fear is expressed that that person may be subjected to torture. Such fear may be based inter alia on accounts by relatives or other visitors of the detainee's physical condition or on the fact that the detainee is kept incommunicado, a situation which is conducive to torture. An urgent appeal by the Special Rapporteur is of a purely humanitarian nature. The Government concerned is merely requested to assure the Special Rapporteur that the detained person's physical and mental integrity will be guaranteed. Such an appeal, moreover, provides the Government concerned with the opportunity to look into the matter and to uphold its obligations under international law by instructing the detaining authorities to respect the individual's right to physical and mental integrity."

7. It is clear from this explanation that the essence of the procedure is not per se accusatory. It is essentially preventive in nature and purpose. The most satisfactory answer the Special Rapporteur can receive from the Government in question is one containing evidence that the fear expressed has not materialized. Accordingly, the Special Rapporteur does not, indeed must not, wait until he has received evidence that torture has taken or is taking place before making an urgent appeal. That would undermine the effectiveness of this preventive technique. The question can only be whether there are reasonable grounds to believe that a person is held under circumstances indicating that there is an identifiable risk of torture. That assessment has to be made rapidly by the Special Rapporteur and in making it he takes into account a number of factors, any one of which may be sufficient, though generally more than one will be present. These factors include:

(a) The previous reliability of the source of the information;

(b) The internal consistency of the information;

(c) The consistency of the information with information on other cases from the country in question that has come to the Special Rapporteur's attention;

(d) The existence of authoritative reports of torture practices from national sources, such as official commissions of inquiry;

(e) The findings of other international bodies, such as United Nations country rapporteurs and representatives, the Human Rights Committee, the Committee against Torture and regional human rights bodies, in particular, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;

(f) The existence of national legislation, such as that permitting prolonged incommunicado detention, that can have the effect of facilitating torture; and

(g) The threat of extradition or deportation, directly or indirectly, to a State or territory where one or more of the above elements are present.

8. The above is not intended to be an exhaustive list. Nor will the urgent appeals generally identify which factors the Special Rapporteur has borne in mind. This is because the Special Rapporteur considers it necessary that he bring his judgement to bear on the case at hand and that the principle of safeguarding human dignity and the integrity of the person dictates that he err on the side of protection of potential victims under his mandate rather than on the side of avoiding administrative inconvenience for Governments. Further, the more the appeals were to contain formal substantiation for their having been sent, the more they would begin to resemble accusations. Such an effect would be incompatible with the preventive nature and purpose of the urgent appeal procedure.

9. With regard to the transmittal of information alleging violations of the prohibition of treatment within the Special Rapporteur's mandate, the Special Rapporteur has continued to send summaries of information giving cause for concern to Governments. As a result of the gap between the resignation of Mr. Peter Kooijmans and the appointment of his successor, it was only possible to begin processing and transmittal of letters containing such information in August 1993. Further letters were sent in October/November 1993. In general, it was only possible to send one letter to any particular Government, regardless of the incidence and quality of the information addressed to the Special Rapporteur. This is an unfortunate situation; first, because it is desirable for Governments to be in possession of relevant information as expeditiously as possible and, second, because when information is transmitted later in the year, little time is left for the receipt of a response susceptible of being reflected in the Special Rapporteur's report for the year in question. This leads to even an initial exchange of correspondence being spread across more than one report. This, in turn, makes it difficult for a reader to obtain a properly balanced perspective concerning the original allegations or to assess the significance of any later governmental response. Moreover, much information that arrives after the transmittal of a letter to a Government must then wait until the following year before being transmitted to that Government. Further, if any response from a Government seems to the

Special Rapporteur to warrant elucidation, he is only in a position to seek that elucidation within the context of the next letter of transmittal of information.

10. This rigidity flows from the limited resources the Centre is in a position to make available to service the Special Rapporteur's mandate. Despite these difficulties, the Special Rapporteur has been able to initiate the practice of consulting sources of original allegations in respect of official responses to the allegations, especially in cases where the facts appear to be contradicted.

11. The Special Rapporteur believes that it is in the interest of both victims and Governments that he be in a position (a) to transmit to Governments summaries of all credible and reliable information addressed to him alleging cases and practices of torture; (b) to analyse responses from Governments; (c) to consult sources of allegations on such responses, as appropriate; (d) to pursue the dialogue with Governments when warranted; and (e) to draw any conclusions and make any recommendations to Governments that such a systematic exchange would indicate. To the extent that the present report fails to reflect this ambition, it is, as indicated, the result of limited resources. Nevertheless, the Special Rapporteur believes that, unless the Commission on Human Rights expresses a different view, he should seek as far as possible to work in a manner consistent with the above approach.

12. Finally, in respect of this aspect of his mandate, the Special Rapporteur wishes to draw the Commission's attention to an issue raised by one Government (India, letter dated 9 December 1993) which stated that "the mandate of the Special Rapporteur should also take into account human rights violations perpetrated by terrorism". The Special Rapporteur considers that the problem of terrorism is covered by Commission resolution 1993/48 (see Introduction, para. 4 (e)), which speaks of the "adverse effect on the enjoyment of human rights of persistent acts of violence committed in many countries by armed groups ... that spread terror among the population".

13. The Special Rapporteur notes that resolution 1993/48, like its predecessor resolutions, does not refer to such acts of violence as constituting human rights violations. In the opinion of the Special Rapporteur, this omission is intentional. He believes that the Commission would not wish to dignify the perpetrators of criminal violence by describing them as human rights violators or, even less, addressing them as though they had the sort of authority that falls within the regime of the international legal protection of human rights. Of course, the Special Rapporteur is conscious of the fact that international law applicable in armed conflict, whether the conflict be of an international or non-international character, prohibits torture by any party to the conflict at any time and in any place whatsoever. The Special Rapporteur could envisage that his mandate could extend to any party to such a conflict. He would welcome guidance by the Commission as to whether he should seek to apply his mandate to acts committed by parties to an armed conflict. If so, he would appreciate further guidance on how he should determine whether such a conflict exists and what entities may be appropriately considered as parties to the conflict: should he, for example, be guided by the view of the Government of the member State concerned? Meanwhile, the Special Rapporteur will continue as appropriate to

acknowledge the existence of persistent acts of violence committed by armed groups when these are brought to his attention, within the context of acts falling under his mandate.

14. On the basis of the aforementioned, the Special Rapporteur transmitted during the period under review 84 urgent appeals to 31 Governments concerning roughly 400 individuals (at least 12 known to be women), as well as several groups of persons, with regard to whom fears of torture had been expressed. He also sent 42 letters containing about 500 cases (about 30 known to be women) or incidents of alleged torture. If the information received contained a critical analysis of a more general nature regarding the phenomenon of torture, this information was also brought to the attention of the Governments concerned. In addition, 20 countries provided the Special Rapporteur with replies on about 250 cases submitted during the current year, whereas 17 did so with respect to roughly 130 cases submitted in previous years.

15. As to the matter of visits to States and territories where serious allegations of torture arise, no such visits have taken place since the Special Rapporteur was appointed. In its resolution 1993/97, the Commission on Human Rights urged the Government of Indonesia to invite the Special Rapporteur, inter alia, to visit East Timor. On 13 September 1993 the Special Rapporteur addressed a letter to the Government of Indonesia drawing its attention to this resolution. So far he has received no reply.

16. Despite the repeated encouragement to Governments expressed by the Commission, most recently in resolution 1993/40, "to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively", no Government has taken the initiative to invite the Special Rapporteur. Nevertheless, he has had contacts with a number of Governments that he believes could result in his being invited to undertake visits. The (hopefully positive) results of these contacts will be indicated to the Commission in the next report of the Special Rapporteur.

17. In this connection, the Special Rapporteur is aware of the need expressed in the Commission and at the World Conference on Human Rights (see following paragraph) for cooperation among the United Nations human rights procedures and for the avoidance of unnecessary duplication. Accordingly, he will not as a rule seek to visit a country in respect of which the United Nations has established a country specific mechanism such as a special rapporteur on the country, unless a joint visit seems to both to be indicated. As regards countries where the mandates of other thematic mechanisms may also be affected, he will seek consultation with them, with a view to exploring with the Government in question, either jointly or in parallel, the possibility of a joint visit. In any event, he will seek to avoid broadly contemporaneous visits. Similarly, where the Committee against Torture is considering or has recently considered the situation in a country under article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, especially if that consideration involves a visit or a possible visit to the country in question, the Special Rapporteur will not also seek a visit.

18. In general, the Special Rapporteur has welcomed the accent placed by the Commission on cooperation among the various mechanisms called upon to address the problem of torture and analogous grave human rights violations. He has noted, in particular, resolution 1993/40, in paragraph 16 of which the Commission considered it desirable that the Special Rapporteur should continue to have a further exchange of views with the various mechanisms and bodies entrusted with the task of combating torture, in particular with a view to enhancing further their effectiveness and mutual cooperation; and resolution 1993/47, in paragraph 9 of which the Commission encouraged the thematic special rapporteurs and working groups to continue to cooperate closely with relevant treaty bodies and country rapporteurs.

19. Moreover, the Vienna Declaration and Programme of Action of the World Conference on Human Rights states in Part II:

> "1. The World Conference on Human Rights recommends increased coordination in support of human rights and fundamental freedoms within the United Nations system. To this end, the World Conference on Human Rights urges all United Nations organs, bodies and the specialized agencies whose activities deal with human rights to cooperate in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication. The World Conference on Human Rights also recommends to the Secretary-General that high-level officials of relevant United Nations bodies and specialized agencies at their annual meeting, besides coordinating their activities, also assess the impact of their strategies and policies on the enjoyment of all human rights."
>
> "88. The World Conference on Human Rights recommends that the State parties to international human rights instruments, the General Assembly and the Economic and Social Council should consider studying the existing human rights treaty bodies and the various thematic mechanisms and procedures with a view to promoting greater efficiency and effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks."

20. In this context the Special Rapporteur found extremely valuable the formal and informal contacts with other procedures that were afforded by the Fourth Preparatory Committee meeting and the World Conference itself. These and other informal and formal meetings, such as the one held in December 1993 with the Working Group on Arbitrary Detention, have permitted him to stay abreast of developments in the methods of work of the other procedures, especially the thematic ones, with a view not only to avoiding duplication of the sort addressed in the previous paragraphs, but also to harmonizing their working methods and reporting procedures. The Special Rapporteur considers as potentially productive the Commission's request to the Secretary-General, in its resolution 1993/47, that he consider the possibility of convening a meeting of all the thematic special rapporteurs and the Chairmen of the working groups of the Commission in order to enable an exchange of views and closer cooperation. Following the acknowledgment by the World Conference that

such "procedures and mechanisms should be enabled to harmonize and rationalize their work through periodic meetings", the Special Rapporteur looks forward to the holding of such meetings.

21. Also, pursuant to Commission resolution 1993/40, paragraph 16 (see para. 18 above), the Special Rapporteur held a formal meeting with the Board of Trustees of the Voluntary Fund for Victims of Torture. He assured the Board that he would continue his predecessor's support for its work, encourage contributions to its resources and disseminate, as appropriate, information on its work to those that could benefit from the assistance it offers.

22. The Special Rapporteur was also mindful of Commission resolution 1993/41, entitled "Human rights in the administration of justice", in which it invited the Commission on Crime Prevention and Criminal Justice to explore ways and means of cooperating with the human rights programme in the field of the administration of justice, with special emphasis on the effective implementation of norms and standards.

23. He therefore accepted an invitation to attend the second session of that Commission, where he stressed the importance of norms and standards adopted in the criminal justice field for his own work. Of particular relevance were the Standard Minimum Rules for the Treatment of Prisoners (1955), the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1975) and the Code of Conduct for Law Enforcement Officials (1979). The decision of the Commission on Crime Prevention and Criminal Justice to treat the Standard Minimum Rules as one of the instruments the implementation of which would be subject to immediate review was gratifying to the Special Rapporteur. The Special Rapporteur believes that he should be enabled to attend subsequent sessions of that Commission.

II. INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES

Algeria

Information transmitted to the Government and replies received

24. By letter dated 26 August 1993 the Special Rapporteur informed the Government that he had received reports according to which the new anti-terrorist act, which entered into force in October 1992, extended the period of police detention (during which the prisoner is held incommunicado without contact with his family or his lawyer) from 48 hours to 12 days. This situation was allegedly creating conditions conducive to torture and ill-treatment, which were said to be practised systematically in some detention centres. The individual cases described in the following paragraphs were transmitted to the Government.

25. Nadir Hammoudi was allegedly arrested at his home in central Algiers on 9 October 1992 by members of the security forces. He was said to have been subjected to torture during the 29 days he spent in police custody.

26. With respect to this case the Government indicated on 15 November 1993 that following his arrest on 27 October 1992 Nadir Hammoudi had been brought before the Government Procurator's Office in Algiers on 7 November 1992 and charged under the Act to combat subversion and terrorism. The National Human Rights Observation Centre (ONDH) had approached the authorities concerned and Mr. Hammoudi himself on a number of occasions in order to obtain accurate information on the situation concerning his arrest and custody. ONDH had yet to receive a reply. Moreover, neither the parents of the defendant nor his lawyers had filed any complaint requesting a judicial investigation or an expert medical opinion.

27. Mohamed Yassine Simozrag was allegedly arrested at his home in Algiers on 23 July 1993 and held incommunicado for more than 20 days. His family and lawyer were able to visit him in Al-Harrach prison on 18 August and saw that he had contusions. He reportedly stated that he had been tortured by the "rag method", which involved tying the victim to a chair and trying to choke him with a rag soaked in dirty water and chemicals.

28. On 15 November 1993 the Government informed the Special Rapporteur that Mohamed Yassine Simozrag was arrested on 28 July 1993 in the company of a terrorist wanted for his involvement in several attacks. On the expiry of the legal period of custody, he had been brought before the Government Procurator's Office in Algiers and then had had a detention warrant issued against him after being charged in the context of the Act for the repression of terrorism and subversion. Two lawyers had been appointed to represent and defend Mr. Simozrag, who had received regular visits from them.

29. Following allegations of ill-treatment of the defendant during his custody, ONDH made a number of representations to the legal authorities concerned. One of the lawyers, on being contacted by ONDH, stated that no request for an expert medical opinion or a judicial investigation of ill-treatment during custody had been made; a visit to his client had enabled him to establish that the latter had not been physically harmed.

30. By the same letter of 15 November 1993 the Government indicated that its position on the question of torture had always been and continued to be a firm and unambiguous condemnation of this odious practice. This position was expressed, in particular, through Algeria's accession, without any reservation whatever, to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

31. Despite being confronted with terrorist activities arising out of religious extremism, Algeria had continued its efforts to safeguard democracy and protect human rights within the context of internationally recognized human rights principles. Temporary restrictions on the exercise of certain freedoms had not, therefore, gone beyond the limits expressly laid down by the International Covenant on Civil and Political Rights, to which Algeria was a party. Moreover, abuses of any kind were controlled by machinery which provided the persons concerned and those who defended them with every opportunity to denounce such acts, which, should they be proved, were treated accordingly, with the perpetrators being punished. Allegations which the

Special Rapporteur had apparently received on certain aspects of Algerian legislation "connected with the practice of torture" were so aberrant that there could be no question of Algeria paying the least attention to them.

Urgent appeals

32. The Special Rapporteur transmitted an urgent appeal to the Government on 16 September 1993 expressing concern about the situation of Ameur Legraïdi and Fathi Ouerghi, Tunisian nationals alleged to be members of the unauthorized Islamic movement "Al-Nahda". They were reported to have left Tunisia in 1992 owing to fear of persecution because of their membership of the said movement. Ameur Legraidi had allegedly been condemned in absentia to 11 months' imprisonment in Tunisia. The two men reportedly applied for political asylum in Algeria, where they were registered as refugees by the Office of the United Nations High Commissioner for Refugees (UNHCR). The Office of Stateless Persons and Refugees of the Algerian Ministry of Foreign Affairs was said to have granted them a temporary residence permit. On 13 June 1993 they were arrested in Algiers. Given the reports that seven persons of Tunisian nationality had been arrested and tortured by the Tunisian authorities after being forcibly repatriated from Algeria in January 1993, fears were expressed that the two men might also be subjected to such treatment if deported.

33. On 29 October 1993 the Government replied that these cases could not be regarded as situations coming within the terms of reference assigned to the Special Rapporteur by the Commission on Human Rights. However, in view of the importance Algeria attached to dialogue with experts of the Commission on Human Rights, the Government informed the Special Rapporteur that these cases had been discussed in detail with the appropriate body, namely, UNHCR. It recalled that States had the prerogative of granting refugee status to foreigners requesting such status and denied the allegation that Ameur Legraïdi and Fathi Ouerghi had been issued residence permits by the Office of Stateless Persons and Refugees in the Ministry of Foreign Affairs.

34. The Government also reported that Algeria had at no time failed in its duty as a country of reception, which had, moreover, been ranked as a constitutional principle; its continuing concern was to respond to genuinely humanitarian requests in accordance with the values of humanism and solidarity it had always upheld. Confronted with terrorist manifestations of religious extremism, Algeria had, since the establishment of the state of emergency, reiterated its commitment to the cause of human rights and showed that it was determined to base security action on full respect for the provisions of the international instruments to which it was a party, particularly those relating to the exercise of the right of derogation. All of the security measures taken to strengthen the rule of law and consolidate democratic institutions were thus in conformity with the international commitments Algeria had undertaken in the field of human rights. A similar concern had been shown in the humanitarian cases with which Algeria had had to deal and which had all been managed in accordance with its age-old attachment to the sacred principle of granting asylum to persons seeking protection.

35. On 18 October 1993 the source reported that Ameur Legraïdi and Fathi Ouerghi, who had been recognized as refugees in need of protection by UNHCR in Algiers, had been handed over to the Tunisian authorities on 8 July 1993.

Observations

36. The Special Rapporteur appreciates the Government of Algeria's commitment to dialogue with experts of the Commission on Human Rights. He notes that the Government has not explained why it considers the cases of foreign nationals threatened with deportation and eventually deported to a country where they risked being tortured might not fall within his terms of reference. In this he has merely followed the practice of his predecessor and other thematic procedures. Moreover, Algeria, as a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is bound by its article 3 to refrain from such deportations. As to the Government's dismissal of concerns that legislation authorizing prolonged incommunicado detention can facilitate torture, the Special Rapporteur notes that this concern has consistently motivated his predecessor and that the Commission on Human Rights shares the concern: as recently as 5 March 1993, in its resolution 1993/40, in which the Special Rapporteur was appointed, the Commission recalled that "incommunicado detention is highly conducive to torture practices". The Special Rapporteur welcomes the Government of Algeria's stated commitment, despite the existence of "terrorist manifestations of religious extremism", to maintain respect for human rights, in particular the absolute prohibition of torture. He believes that this commitment could be made more effective by eschewing resort to prolonged incommunicado detention.

Angola

Information transmitted to the Government

37. By letter dated 26 August 1993 the Special Rapporteur transmitted to the Government the following two cases of torture alleged to have occurred in Angola.

38. Charles Mpoti was arrested on 5 October 1990 in Luanda on charges on being a member of UNITA and taken to Estrada Catete prison, where he was allegedly tortured. Medical reports prepared abroad shortly afterwards stated that Mr. Mpoti had a sprained left shoulder with lesions of the circumflex nerve that prevented him from raising his arm. It was also found that he had major sequelae of burns on the buttocks. He was arrested again on 14 October 1992 and detained for three weeks in Estrada Catete prison, where he was allegedly tortured once more.

39. Godfrey Absalom Nangoya, a member of the Associaçao Civica de Angola and one of the leaders of its human rights programme, was arrested at his home in Luanda on 1 November 1992, together with his wife and children. They were taken to a police station, where Mr. Nangoya and his wife were reportedly beaten in the presence of their children. As a result, he had a broken tooth

and a wound on one arm. His wife and children were released four days later, while he was transferred to Estrada Catete prison. One night while he was sleeping in his cell, a guard reportedly fired a shot at him and nearly killed him.

Bangladesh

Information transmitted to the Government

40. By letter dated 26 August 1993 the Special Rapporteur informed the Government that he had received reports concerning incidents of torture perpetrated by members of the military and paramilitary forces against tribal people in the Chittagong Hill Tracts, as well as by the police in other parts of the country. According to this information, torture in police custody occurred routinely but was rarely reported as the victims feared further ill-treatment by the police. It usually involved beating with sticks and rifle butts, as well as kicking with boots on sensitive parts of the body.

41. The incidence of rape in custody was reported to be high but, because of the social stigmatization faced by the victim, it usually went unreported. The legal requirement that rape had to be reported within 12 hours also made it difficult for the victim to file a complaint.

42. There were also reports about cases of death in custody as a result of torture. According to them, whenever a detainee died in police custody, the police were obliged to file an "unnatural death case", which necessitated a police inquiry into the death. To avoid this, the police had sometimes transferred the bodies of people who had died after torture to hospital, putting pressure on medical staff to have them falsely admitted as alive.

43. The individual cases described in the following paragraphs were transmitted to the Government.

44. Mominuddin Ahmed was arrested by uniformed police officers at his residence on 18 August 1992 and taken to the Kotwali police station in Rangpur. When his wife visited him two hours later in the police station, he could only speak with effort and told her that he had been severely kicked in the chest and stomach. He died in Rangpur Medical College Hospital on 1 September 1992.

45. Momina Khatum died of her injuries on 31 August 1992 in the village of Bazra Hat, Noahkali district, after a group of police officers reportedly subjected her to severe beating. An inquiry is reported to have taken place into the incident.

46. Finally, the Special Rapporteur drew the attention of the Government to the case of Nazrul Islam, who was reportedly 12 years old when he was arrested in 1980 and convicted of robbery. In December 1992 the High Court allegedly found that he had been illegally detained and that for 11 of these 12 years he had been held in leg irons.

Information received from the Government with respect to cases included in previous reports

47. On 6 April 1993 the Government provided the Special Rapporteur with information on the cases referred to below, which had been communicated to it on 12 November 1992.

48. The incidents which took place in Bheramara, Kushtia district, on 25 March 1991 when members of the Range Reserve Police Force allegedly arrested five persons and severely beat them. The Government informed the Special Rapporteur that following an altercation between some members of the public and a group of law enforcement officials who were on duty there, an unpleasant incident had taken place at Bheramara on 26 March 1992. One person died in the incident owing to gunfire by the armed personnel on duty. A committee of inquiry headed by an Additional District Magistrate had been established by the Government. On enquiry, 22 persons were found guilty and were dismissed from government service.

49. Milan Kanti Chakma, Upali Chakma, Syamal Kanti Chakma, Dipankar Chakma and Bimalendu Chakma, were allegedly subjected to torture in the Koakhali army camp on 20 March 1992. The Government informed the Special Rapporteur that these persons had been summoned to the camp in the context of an inquiry relating to extortion of monetary contributions for a terrorist organization, putting up posters on behalf of terrorist organizations, purchasing supplies for terrorists and illegal possession of firearms. They had been released on the same day, after questioning. They had not been subjected to any physical or mental torture. The allegations of beatings, application of electric shock, infusion of hot water through the nose or hanging from trees, were totally false.

50. Silcham Chakma, Master Kamal Chakma, Barpeda Chakma, Priyalal Chakma, Kula Mohan Chakma and Pindu Mohan Chakma, were allegedly subjected to torture in the Champatali Camp, in Ghagra zone, on 20 May 1992. The Government informed the Special Rapporteur that none of these persons had ever been arrested or brought to the Champatali camp in Ghagra zone and that the allegations were totally false and fabricated.

51. Bina Chakma, Mita Khisa, Rakhi Sona Khisa, Kakuna Chakma, Royna Chakma, Urbasi Chakma and Tipu Rani Chakma, were allegedly raped on 14 March 1992 by members of the Chowdhuri Chara army camp. The Government informed the Special Rapporteur that only three women, Rakhi Soma Khisa, Royna Chakma and Tipu Rani Chakma could be found in Krishmachara village. The villagers were unaware of the existence of the other four women. These three women had reported that a mobile patrol visited the area on 14 March 1992 and alleged that the members of the patrol beat them. They could not, however, substantiate or provide any evidence of such beating. There were no allegations of rape.

Bolivia

Information received from the Government with respect to cases included in previous reports

52. On 9 December 1992 the Government transmitted its reply with respect to the alleged torture in April 1992 of Alvaro García Linera, Raquel Gutiérrez de García, Víctor Ortiz and Macario Tola. According to the Government, once the persons accused of terrorism were imprisoned, their families went to the prisons together with a commission composed of human rights representatives. They later declared that the detainees showed signs on their bodies of having been given electric shocks and having been brutally tortured, and that they even had holes in their fingernails made by nails. In view of such statements, the Ministry of the Interior had convened members of the press, human rights representatives, relatives and members of the medical profession and urged them to visit the prisons to make impartial eyewitness checks. However, the relatives and members of human rights organizations had not taken part in the visit.

53. During the visit, evidence had been found only of burns on the hands of Raquel Gutiérrez de García and not on other parts of her body, as stated before; the burns were the result of the two suicide attempts she had made while in detention; in the first attempt, she had stuck her fingers into the electric light socket and, in the second, she had pulled the wires out of the electric sprinkler system while it was being cleaned; she had been saved both times by the police in charge of her custody; she had confirmed the two attempts in her statements to the press and to the judge hearing the case.

54. With regard to Alvaro García Linera, Victor Ortíz and Macario Tola, the visiting commission found no evidence that they had been tortured, as was evident from the medical certificates issued by the forensic physician appointed by the judiciary. The complaints of torture had been made solely for the purpose of media publicity, since it was not possible to prove them scientifically or professionally.

55. The Special Rapporteur transmitted the information provided by the Government to the source and asked for its comments. The latter reiterated that the four above-mentioned persons had alleged that they had been severely tortured. On 21 April 1992 representatives of non-governmental organizations had visited Alvaro García Linera, Macario Tola and Víctor Ortiz in Chonchocoro prison and seen marks on their bodies consistent with their allegations of torture. The source also provided a report containing the description made by Raquel Gutiérrez de García of the torture to which she had been subjected and stating that as a result of it she had attempted to commit suicide.

Brazil

Information transmitted to the Government and replies received

56. On 18 November 1993 the Special Rapporteur transmitted to the Government the individual cases described in the following paragraphs.

57. Osorio Barbosa de Barros, a rural worker, was arrested on 8 September 1993 and taken to the police station of Xinguara, state of Para, where he was held until 12 September. On that date he was transferred by members of the Political and Social Order Police to the police station of Curionópolis, where he was held for one more day before being released. During the whole period in which he was detained he was allegedly severely beaten, given electric shocks to the head, and subjected to mock hanging and mock drowning in a stream.

58. Ademir Silveira dos Santos and Moisés Silva do Nascimento, two 12-year-old street children, were reportedly seriously beaten by members of the military police on 13 April 1993 at Praça da Sé, Sao Paulo. Father Pedro Horacio Caballero, a street educator who witnessed the incident and tried to intervene was also beaten. Upon denunciation the state civil and military police opened inquiries into the incident.

59. On 29 November 1993 the Government informed the Special Rapporteur that the disciplinary organ of the military police had opened an inquiry on 14 April 1993, that the complainants had formally recognized the six aggressors and that the victims had been examined at the Military Police Hospital. The investigation had not yet been completed.

Bulgaria

Information transmitted to the Government

60. By letter dated 26 August 1993 the Special Rapporteur advised the Government that he had received information according to which members of the Roma community were frequently subjected to torture or ill-treatment by the police, after being taken into custody under accusation of petty criminal offences. Several incidents had also been reported of excessive use of force by the police, including indiscriminate beating of men, women and children, in Roma community neighbourhoods, such as those which had taken place in Pazardjik on 28 June 1992 and Novi Pazar on 5 April 1993. The individual cases described in the following paragraphs were transmitted to the Government.

61. Anton Stefanov Assenov, aged 14, and his father, Stefan Assenov Ivanov, were allegedly kicked and beaten with fists and truncheons at the bus station in Shumen, by police officers who claimed that the boy had been caught gambling. Subsequently, they were taken to the police station where Anton Stefanov was beaten again, handcuffed to a radiator for two hours and then released without charges. Two days later he was examined by a doctor who reportedly stated that the injuries, bruises on his head, back, chest and right armpit, were consistent with the alleged beatings. Complaints were filed with the Regional Department of the Ministry of Interior and the Varna Military Prosecutor but, so far, without success.

62. Khristo Nedialkov Khristov was arrested on 24 March 1993 in Stara Zagora by a group of police officers who accused him of attempting to steal copper wire. Immediately after his arrest he was reportedly beaten with truncheons and kicked with heavy boots all over the body. As soon as he was released,

the following day, he had to be taken to the district hospital. On 28 March his condition deteriorated and he had to undergo a surgical intervention during which a part of his lung and a kidney were removed.

Burundi

Information transmitted to the Government

63. In a letter dated 26 August 1993 the Special Rapporteur advised the Government that he had received information according to which persons arrested for political reasons, especially those suspected of being members of the Hutu People's Liberation Party (PALIPEHUTU), were systematically beaten in detention centres run by the Gendarmerie and the Public Security Police. Methods of torture included: tying detainees' arms behind their backs so tightly that their elbows met and the ropes or cords cut into their arms - as a result, some prisoners developed gangrene and others suffered paralysis in their arms; beating on the soles of the feet, the back or the hands; being made to kneel for long periods, sometimes on bottle tops and pebbles; the use of bayonets, piping, truncheons or machetes to inflict injuries.

64. Reports also indicated that the authorities were not known to have taken any steps to prevent torture or to have ordered any independent and impartial investigation into allegations of torture. Court judges did not question the admissibility of statements made in custody as prosecution evidence, even though defendants had claimed to have made statements under duress or to have shown signs of injuries consistent with their allegations of torture. The 1992 Constitution banned torture; however, planned reforms of the Code of Penal Procedure reportedly gave little or no priority to safeguarding detainees against it. The individual cases described in the following paragraphs were dealt with.

65. Emmanuel Nkunzimana was said to have been severely beaten after his arrest in Gitega, in September 1991, by members of the security forces who accused him of membership of PALIPEHUTU. He was also reported to have had his genitals pierced with a sharp object.

66. Paul Hakizimana and Evariste Sinyirimana were arrested in August 1990 after an armed attack on Mabanda military barracks in the southern province of Makamba. Paul Hakizimana was reported to have had his legs and arms tied tightly behind his back and then been stabbed with bayonets; he was also allegedly beaten, subjected to mock execution and had his hair set alight. Evariste Sinyirimana allegedly had his genitals pierced with sharp pins and suffered temporary paralysis as a result of prolonged tying of his arms above the elbow. They were subsequently transferred from Mabanda barracks, first to Rumonge prison in the southwestern province of Bururi, and then to Mpimba prison, where they were allegedly beaten on arrival.

67. By the same letter the Special Rapporteur reminded the Government of another letter containing allegations which had been transmitted to it on 21 August 1992 and pointed out that no reply had been received so far.

Urgent appeals

68. The Special Rapporteur sent an urgent appeal to the Government on 21 April 1993 concerning Joseph Bangurambona, a representative of the Front for Democracy in Burundi for the Bujumbura rural region, arrested on 29 March 1993 by members of the Police Spéciale de Roulage. Fears were expressed that he might be subjected to torture.

Cameroon

Information transmitted to the Government

69. On 10 June 1993 the Special Rapporteur advised the Government that he had received information according to which although the Penal Code proscribed torture, rendered inadmissible in court evidence obtained thereby and prohibited public servants from using force against any person, the security forces continued to inflict severe beatings and other ill-treatment on detainees. Methods of torture included beating on the soles of the feet with an iron bar or whipping with a reinforced rubber tube. Treatment of prisoners in the penitentiary system was poor, especially outside of major urban areas. Prisoners were routinely chained in their cells and received inadequate medical attention and food. At Tchollire II prison these conditions reportedly caused at least 40 deaths among the inmates between 1990 and 1992.

70. Sanctions against those responsible were reportedly unknown, although government officials maintained that they faced administrative punishments which were not made public. Investigations were rare because abused persons frequently feared reprisals against themselves and their families if they lodged a complaint.

71. According to the reports, abuses worsened in North West Province following the imposition of a two-month-long state of emergency on 27 October 1992. Several hundred people were reportedly arrested in Bamenda and severely beaten at the headquarters of the Brigade mixte mobile (BMM) or the Gendarmerie Legion. The individual cases described in the following paragraphs were transmitted to the Government.

72. Ghandi Che Ngawa was reportedly arrested on 9 November at his Bamenda office and taken to the BMM, where he was allegedly suspended by his arms and legs from an iron bar and severely beaten. Four days later he was transferred to the Military Hospital, apparently with a swollen and bruised body and with some of his toenails missing. He died a week later from his injuries. Five other detainees were also transferred to the Military Hospital at the same time as Ghandi Che Ngawa. They had reportedly been beaten daily at the BMM and given electric shocks.

73. Rose Ngo Sona, a nursing mother, was stripped naked and severely beaten by a group of soldiers who broke into her house in Bamenda on 28 October in order to arrest her brother, Barrister Sendze.

74. Disturbances also took place in the South West Province in October 1992. According to reports, in Kumbha town, Meme division, gangs tolerated by the authorities captured a number of people and subjected them to torture. Among them were the following.

75. Ikaabo Christopher Ambaisah was captured on 13 October and taken to the District Office where he was allegedly severely beaten with iron rods and rough wooden canes before being released the same day.

76. Ruben Tarh was captured on 22 October and severely beaten with electric cables and boards with nails. His captors allegedly melted rubber in fire and let the hot fluid drop on his back. They also tied him head down and, in this position, beat him with cables before leaving him hanging for one hour.

77. Thomas Mbah was summoned on 22 October by two plainclothes and three uniformed soldiers to Chief Mukete's compound for interrogation. Once there he was allegedly given 25 strokes of the cane, burnt with a hot iron rod on in several parts of the body and injured with a sword on the left shoulder.

78. In Bandja village, West Province, the following persons were arrested on 5 November 1992 by members of a paramilitary group: Emmanuel Kameni Mouaffa, Joseph Fankam, Raphel Lieji, Michel Tankeu, Blaise Tseussie, Bernard Ngaoum, Engolbert Wamboyi, Pierre Kameni and Michel Tankeu. They were all reportedly beaten with clubs, belts, batons and gun butts at the time of arrest.

79. There were also reports of a series of disturbances in Ndu, North West Province, in June 1992, in the course of which a number of citizens, including women and children, were severely beaten and subjected to sexual abuse, as in the case of Biena Mary Kimbi, publicity secretary of the Donga/Mantung South (Ndu) electoral district of the Social Democratic Front. She was arrested by six members of the police (gendarmes) on 6 June 1992 and taken to the Gendarmerie Brigade headquarters in Ndu, where she was reportedly stripped, beaten and sexually assaulted, then held for four days without food or water. On about 12 June she was transferred to the Gendarmerie Brigade headquarters in the nearby town of Nkambe, where she remained in incommunicado detention, denied all contact with family or lawyer. On 19 June she was taken to the Gendarmerie Company headquarters in Nkambe, where she and another woman detainee were reportedly whipped with belts, after which she was unable to walk. She was held in detention for 31 days.

80. The three cases mentioned below were also communicated to the Government.

81. Sévérin Tchounkeu, publisher of the French language weekly La nouvelle expression and Tsapi, a cartoonist for the Challenge Hebdo weekly were arrested by the police in Douala on 2 November 1992. The two were reportedly beaten at the time of arrest and Mr. Tchounkeu required hospital attention for multiple fractures.

82. Ange Tokam Guiadem, a student leader, was reportedly arrested on 5 May 1992 by approximately 12 gendarmes at Yaoundé University. They allegedly stripped and marched her across campus, punching and kicking her.

Other students who tried to intervene were beaten off by the gendarmes. Ms. Guiadem was taken to a garage where gendarmes allegedly continued to beat and taunt her for two days and shaved her head with shards of broken glass. She was subsequently moved to the gendarme detention facility where she was kept until her release, without charge, on 11 May 1992.

Information received from the Government with respect to cases included in previous reports

83. On 2 March and 12 August 1993 the Government forwarded information on the case of Hameni Bieuleu, arrested on 5 November 1992, on behalf of whom the Special Rapporteur had made an urgent appeal on 2 December 1992. According to the Government, Hameni Bieuleu was, until his release on 28 December 1992, detained on the premises of the national gendarmerie in Yaoundé, and later in Bamenda, in strict observance of the code on pre-trial proceedings governing criminal procedure in Cameroon. Contrary to the reported allegations, he was never subjected to any ill-treatment, nor was he deprived of medical care. Indeed, the day after his arrest, his family, with Dr. Nouedoui of the Yaoundé General Hospital, were authorized at their request to visit him and take him the food they wanted (a letter addressed to the Minister of Defence by Dr. Nouedoui advising that Hameni Bieuleu should be taken to hospital was attached). After two expert tests in Yaoundé and in Bamenda, earlier clinical examinations certifying that Mr. Bieuleu was a diabetic proved false. According to the findings published by the National Human Rights and Freedoms Committee, after interviews with Mr. Bieuleu during his detention, he had never complained of ill-treatment.

Chad

Urgent appeals

84. The Special Rapporteur made four urgent appeals on behalf of the persons mentioned in the following paragraphs, with regard to whom fears were expressed that they might be subjected to torture while in detention. The dates on which the appeals were transmitted appear in brackets at the end of the corresponding summaries.

85. Lieutenant Sérayohim Doyo, non-commissioned Officer Hassane Kabo, staff sergeant Ndouba Njadimadje and second-lieutenant Joachim Nodjihorkem Mbailaou, all members of the Chadian National Army (ANT). According to the information received, the first three persons were arrested in Doba on 6 February 1993 on charges of having had contacts with the Committee of National Renewal for Peace and Democracy. They were allegedly beaten and then transferred to the military base of Moundou on 15 February. Joachim Nodjihorkem was reported to have been arrested on 23 February after having been urgently summoned to Moundou by his commander. All four were allegedly being held incommunicado (8 April 1993).

86. Some 220 persons were reportedly arrested on 8 August 1993 in N'Djamena in the course of a demonstration during which clashes with the security forces were said to have taken place. Most of the demonstrators were members of the

Ouaddaï community protesting against executions alleged to have been carried out in their region of origin, in the eastern part of the country. The persons arrested included about 30 young people aged 14 to 17. It was reported that some of them were taken to the building of the Military Court, at the headquarters of the Gendarmerie, and questioned by members of the Judicial Police, and that others were being held incommunicado at unknown places of detention. A number of detainees were allegedly wounded during the demonstration, members of the Republican Guard having fired upon the crowd.

87. It was also reported that on 10 August members of the Gendarmerie arrested three members of the Ouaddaï community: Outhman Issa, Prefect of Chari-Baguirmi, Imam Ahmat Abaker and Mahamat Zalba, former administrative director of the national electricity company. It was alleged that they were being held incommunicado. Another member of the Ouaddaï community, Mahamat Saleh Issakha, was arrested on 12 July 1993 and held in detention for 48 hours, during which time he was tortured by the so-called arbatachar method, in which the arms and the legs of the victim are tied behind the back in a very painful position (17 August 1993).

88. On 13 September 1993 the Government replied that the persons mentioned in the appeal of 17 August had indeed been detained and interrogated in connection with the unauthorized demonstrations which had taken place on 8 August 1993. While in detention they had been visited by the president of the association of magistrates, as well as by doctors. They had all subsequently been released.

89. Bichara Digui, a member of the Comité national de redressement (CNR); Ahmat Digui; Adoum Badour, businessman and Mahamat Koussou, a soldier, suspected supporters of Abbas Koty, former minister and leader of the Comité national de redressement, were arrested on 22 October 1993 in N'Djamena following Abbas Koty's killing. Several members of the armed forces, many of whom were believed to be suspected of supporting Abbas Koty, were allegedly also arrested between 22 and 25 October; they were believed to be held in incommunicado detention at the Gendarmerie headquarters or at the National Security Agency (5 November 1993).

90. With respect to this case the Government indicated, on 11 November 1993, that the above-mentioned persons had been arrested by the judicial police after a preliminary investigation permitted the conclusion that they were preparing a coup d'état. During their interrogation they had not been subjected to any kind of ill-treatment. Adoum Badour had subsequently been released.

91. The following three persons were also reported to have been arrested in connection with Abbas Koty's killing: Adoum Asil, Regional Commander of the Chadian armed forces in the northern Borkounou Enedi Tibesti region, arrested in Faya on 25 October 1993; Braïm Kossi and Hissein Kokap, businessmen, arrested on 26 October 1993 in N'Djamena (12 November 1993).

Chile

Information transmitted to the Government and replies received

92. By letter dated 1 September 1993 the Special Rapporteur advised the Government that he had received information on 47 cases of torture, reported to have occurred between 1991 and 1993. These cases are described in the following paragraphs, together with the replies provided by the Government on some of them on 2 December 1993.

93. José Miguel Sánchez Jiménez, arrested on 26 March 1991 in Santiago by the Dipolcar carabinieros, was reportedly subjected to suffocation, simultaneous slaps on both ears and mock executions, and threatened with the arrest of his family.

94. Alfredo Didino Andrade Miranda, arrested on 29 April 1991 in Santiago by the Dipolcar carabinieros, was taken to the 26th Carabinieros station at Pudahuel, where he was reported to have been beaten repeatedly in an attempt to make him sign a confession. The Government replied that Andrade Miranda was being tried for terrorism. A medical report issued by a doctor of the carabinieros hospital stated that he did not bear signs of recent injuries. A complaint of torture was filed on 24 July 1991 before the fifth Criminal Court in Santiago.

95. Magdalena de los Angeles Gallardo Bórquez, arrested on 10 June 1991 by the Chilean Police Department in the city of Concepción, was allegedly held incommunicado for 35 days during which she was reportedly beaten, sexually abused and administered drugs.

96. Juan Sebastián Linares Ulloa and his brother, arrested at home in Santiago on 4 October 1991 by the Dipolcar and Gope carabinieros, were taken to the 3rd Carabinieros station where they were reportedly subjected to severe beatings and death threats.

97. Juan Aliste Vega, arrested on 4 October 1991 in Santiago by the carabinieros, was taken to the 3rd Carabinieros station where he was reportedly beaten and subjected to electric shocks.

98. Cristian Eugenio Faúndez Navarro, arrested on 29 November 1991 in Santiago by the Dipolcar and Gope carabinieros, was taken to the 3rd Carabinieros station where he was reportedly subjected to repeated beatings while blindfolded and handcuffed, and to electric shocks.

99. Paula Andrea Carrasco Barrios was arrested in Santiago on 14 December 1991 by the carabinieros. Among other forms of torture she was reportedly punched and kicked, forced to spend long hours in contorted positions, deprived of food and water, deprived of sleep, made to endure mock executions and threatened.

100. Wladimir Jiménez Pinto, arrested in Santiago on 14 December 1991 by the Dipolcar carabinieros, was initially taken to the 44th Carabinieros station and later transferred to the 3rd Station. He was reportedly beaten, made to endure mock executions and deprived of food for several days.

101. Rodrigo Alejandro Olmedo Olmedo, arrested in Santiago on 14 December 1991 by the Carrascal carabinieros, was initially taken to the 45th Carabinieros station of the "Cerro Navia" and later transferred to the 3rd Station where he was reportedly beaten severely, deprived of food for three days, and suffocated with a plastic bag over his head.

102. Bernardo Antonio Acevedo Lagos, arrested by the police on 9 January 1992 at his home in Santiago, was reportedly kept in handcuffs for four days and severely beaten during interrogations. A complaint of torture has apparently been lodged with the 3rd Criminal Court. The Government replied that Acevedo Lagos was being tried for terrorism. A medical report issued on 20 January 1992 by the legal medical service indicated that he bore injuries caused by blunt instruments during the previous seven to nine days. A formal complaint of torture was submitted to the 3rd Criminal Court in Santiago on 27 January 1992. The proceedings were later dismissed for lack of evidence.

103. Ramón Supúlveda Alarcón was arrested by the carabinieros on 18 January 1992 in the commune of Lo Espejo, Santiago. His right wrist was reportedly fractured as the result of beatings which he suffered at the time of his arrest. He was taken to the 3rd Carabinieros station where he was reportedly beaten once again and deprived of food and sleep for 72 hours.

104. Waldo Antonio Olivares Fernández, arrested by the police on 11 February 1992 in Santiago, was taken to police headquarters where he was reportedly given electric shocks to force him to confess to his participation in various attacks.

105. Marcela Elisa Núñez Carrizo, arrested in Santiago on 6 February 1992 by members of the plainclothes police department, was reportedly subjected for several days to insults, beatings, death threats and mock executions.

106. Carlos Eduardo Saavedra Saavedra, arrested by the police on 2 February 1992 in Santiago, was reportedly subjected for four days to repeated electric shock sessions and to beatings.

107. Jaime Enrique Poblete Cortés, arrested by the police on 7 March 1992 in the Plaza de Armas, Santiago, was taken to the Central Police Station where he was reportedly threatened and beaten repeatedly during interrogation. The Government replied that the medical report issued on 11 March 1992 by the legal medical service did not indicate any visible sign of injuries.

108. Ulises Bachler Grandi, arrested on 16 March 1992 in the city of Temuco by members of the Civil Commission of Carabinieros. He was initially taken to the 2nd Carabinieros station, and the next day he was transferred to the offices of the Dipolcar. He was reportedly subjected to severe beatings, to mock executions and suffocation with a plastic bag. The Government replied that the medical report issued on 18 March 1992 by the Temuco Regional Hospital indicated that Mr. Bachler's body bore multiple bruises.

109. Jaime Antipil Añiñir, arrested on 16 March 1992 at Temuco by the carabinieros, was reported to have been taken to the regional hospital with gunshot wounds inflicted at the moment of his arrest and injuries resulting from beatings. On the following day he was reportedly transferred to the

2nd Carabinieros station, where he was subjected to such forms of torture as electric shocks, suffocation with a plastic bag, submerging of the head in water, mock executions and beatings.

110. Rafael Escorza Henríquez was arrested by the police at his home in Santiago in April 1992. Among other forms of torture he was reportedly beaten on the hands and feet, deprived of food and sleep for five days and threatened. The Government replied that he had been sentenced to life imprisonment for terrorism and that he had never complained of ill-treatment by the police.

111. Luis Alejandro Reyes Reyes, arrested on 16 March 1992 at Temuco during a clash with the carabinieros, was transported to the Regional Hospital with gunshot wounds, and was reportedly beaten on various parts of the body, including his wounded arm. According to the Government, the medical report issued on 20 April 1992 by the Temuco Regional Hospital indicated that Mr. Reyes had bullet wounds as well as a broken arm.

112. Maria Cristina San Juan Avila, arrested by the police on 31 March 1992 at her home in Santiago, was reportedly kept for two days and two nights blindfolded, deprived of food and sleep and beaten. The Government replied that she had been sentenced to life imprisonment for terrorism and that she had never complained of ill-treatment by the police.

113. Víctor González González, arrested by the police on 6 March 1992 in the Plaza Italia, Santiago, was taken to the General Mackenna central police station, where he was reportedly subjected to a series of interrogations during which he was beaten, threatened with harm to his wife and given electric shocks. The Government replied that the medical report issued on 9 March 1992 by the legal medical service indicated that there were no visible signs of injuries.

114. Axel Osorio Rivera, arrested in Santiago on 11 June 1992 by the carabinieros, was taken to the 3rd Carabinieros station, where he is reported to have been continually beaten and deprived of food and sleep for five days. The Government replied that the medical report issued on 12 June 1992 by the legal medical service indicated that there were no visible signs of injuries.

115. Vicente Vega Moreno, arrested in Santiago on 11 June 1992, together with Axel Osorio Rivera, was taken to the 36th Carabinieros station where he was reportedly punched many times and threatened with his own death and that of his family. According to the Government, the medical report issued on 15 June 1992 by the legal medical service indicated that this person bore no visible signs of injuries.

116. Andrés Eduardo Castro Caracciolo, arrested by the carabinieros on 14 June 1992 at his home in the commune of La Florida, Santiago, was taken to the 3rd Carabinieros station, where it is reported that he was repeatedly threatened, beaten and deprived of food. According to the Government, the medical report issued on 16 June 1992 by the legal medical service indicated that this person bore no visible signs of injuries.

117. Alex Zuna Espinoza was arrested on 18 June 1992 by soldiers of the "Huamachuco" 24th Infantry Regiment - he was doing his military service in Arica. While under interrogation as to his membership of a subversive group he was reportedly beaten with a chair, kicked on all parts of his body and threatened with death.

118. Alejandro Rodríguez Escobar, arrested by the carabinieros on 1 July 1992 in a street in Santiago, reportedly received several bullet wounds at the moment of his arrest. He was taken to the 3rd Carabinieros station in the Gran Avenida, where it is reported that he was repeatedly beaten and deprived of food and sleep. According to the Government, the medical report issued on 2 July 1992 indicated that Mr. Rodriguez had serious injuries consistent with having been arrested and shot at.

119. Víctor Hernán Torres Oteiza, arrested on 11 August 1992 by members of the Assaults Department in La Victoria, Santiago, was taken to General Mackenna police headquarters, where he was reportedly beaten and subjected to electric shocks. According to the Government, the medical report issued on 12 August 1992 by the legal medical service indicated that this person bore no visible signs of injuries.

120. Andrés Jordán Fariña, arrested on 3 September 1992 in Santiago by the carabinieros, was taken to the 12th Carabinieros station in the Gran Avenida, where he is reported to have been repeatedly beaten and deprived of food for five days running. According to the Government, the medical report issued on 8 September 1992 by the legal medical service indicated that Mr. Jordán had slight injuries caused by blunt instruments.

121. Jorge Antonio Espínola Robles, arrested by the police at the home of a relative in Santiago on 15 September 1992, was taken to the police station, where he was struck on the ears and elsewhere, suspended in the air and subjected to a mock execution. According to the Government, the medical report issued on 9 March 1992 by the legal medical service indicated that Mr. Espínola had bullet wounds in his right arm.

122. Wilson Enrique Rojas Mercado, arrested in Santiago on 15 September 1992 by the carabinieros, was taken to the carabinieros stations of La Castrina and San Gregorio, where he was reportedly beaten, threatened, subjected to electric shocks and to cigarette burns on his arms, chest and back. According to the Government, the medical report issued on 17 September 1992 by the legal medical service indicated that Mr. Rojas had injuries likely to have been caused by a blunt instrument.

123. Alejandro Rodríguez Escobar, was arrested on 1 July 1992 in a street in Santiago by the carabinieros, who reportedly shot him in the right arm and the left foot. In spite of his wounds, he was reported to have been severely beaten during interrogation.

124. Carlos Alberto Silva Duncan, arrested by the police on 6 March 1992 in Santiago, was taken to General Mackenna police headquarters, where he was held until 16 March. He was reportedly subjected to such forms of torture as electric shocks, beatings inflicted on various parts of his body and threats.

According to the Government, the medical report issued on 9 March 1992 by the legal medical service indicated that this person bore no visible signs of injuries.

125. Pablo Hernán Morales Fuhrimann, arrested by the carabinieros on 8 October 1992 in the Plaza de Italia district of Santiago, was taken to the 3rd Carabinieros station, where he was reportedly beaten and given electric shocks. According to the Government, the medical report issued on 9 October 1992 by the legal medical service indicated that this person bore no visible signs of injuries.

126. Rodolfo Retamales Leiva, arrested by the carabinieros in Santiago on 12 October 1992, was taken to the 3rd Carabinieros station, where he was reportedly beaten, threatened, deprived of sleep and given electric shocks. According to the Government, the medical report issued on 13 October 1992 by the legal medical service indicated that this person bore no visible signs of injuries.

127. Danielo Eduardo Macaya Cocio, arrested by the police on 9 November 1992 in the commune of Renca, Santiago, was taken to the Southern police station, where he is reported to have been severely beaten. According to the Government, the medical report issued by the Barros Luco hospital indicated that this person bore no visible signs of injuries.

128. Jorge Mauricio Mateluna Rojas, arrested on 9 November 1992 in Costanera Street, Santiago, was taken to the Southern police station, where he was reportedly subjected to such forms of torture as beatings, electric shocks, simultaneous slaps to both ears with the palms of the hands and submersion of the head in water. According to the Government, the medical report issued by the Barros Luco Hospital indicated that this person bore no visible signs of injuries.

129. Ramón Escobar Díaz, arrested on 16 July 1992 during a clash with the carabinieros in Santiago, was taken to the 3rd Carabinieros station where he was reported to have been severely beaten, in particular on the hands, deprived of food for three days and sleep for five days, and threatened with the rape of his companion. According to the Government, the medical report issued on 25 August 1992 by the legal medical service indicated that Mr. Escobar had injuries caused by blunt instruments.

130. Eduardo Alfonso González Castro, arrested by the police on 20 August 1992 in the commune of Lo Espejo, Santiago, was taken to police headquarters, where he was reportedly beaten, given electric shocks and deprived of food and water for four days. According to the Government, the medical report issued on 25 August 1992 by the legal medical service indicated that this person bore no visible signs of injuries.

131. Manuel Osvaldo Martínez Garcés, arrested by the carabinieros on 16 July 1992 on a public thoroughfare in Santiago, was taken successively to two police stations and was reportedly subjected to repeated beatings and threats.

132. Esteban Huiniguir Reyes, arrested by the police on 13 October 1992 in the commune of Lo Prado, Santiago, was taken to the premises of the homicide brigade of the commune of Providencia, where he was reportedly submitted to several electric shock sessions. According to the Government, the medical report issued on 15 October 1993 by the legal medical service indicated that this person bore no visible signs of injuries.

133. Manuel Francisco Saavedra Rodríguez, arrested by officials of the Police Department on 12 November 1992 at his home in Santiago, was taken to the police station at the intersection of Gran Avenida and Departamental, where he was reportedly stripped and beaten all over with blunt objects. According to the Government, the medical report issued by the Barros Luco Hospital indicated that Mr. Saavedra had bruises on the face, and a broken nose.

134. Héctor Navarro Salinas, arrested by members of the Police Department on 8 January 1993 in a street in Santiago, was taken to the Southern police station, where he was reportedly subjected to repeated beatings and electric shocks. According to the Government, the medical report issued on 13 January 1993 by the legal medical service indicated that Mr. Navarro had slight injuries caused by blunt instruments.

135. José Luis Galarce Gallardo, arrested on 19 January 1993 by officials of the Police Department at his home in the settlement of La Victoria, Santiago, was taken to the police station at the intersection of Macul and Los Alerces, where he was reportedly subjected to beatings and electric shocks. According to the Government, the medical report issued on 21 January 1993 by the legal medical service indicated that this person bore no visible signs of injuries.

136. Daniel Antonio Torres Vicencio, arrested by the police on 19 January 1993 in Santiago, was taken to the police station at the intersection of Macul and Los Alerces, where he was reportedly beaten and subjected to electric shocks. According to the Government, the medical report issued on 21 January 1993 by the legal medical service indicated that this person bore no visible signs of injuries.

137. José Mauricio Saldias Gómez, arrested by members of the 1st Station of the Assaults Department on 19 January 1993 at his home in Santiago, was reportedly submitted to simultaneous beating and electric shocks. According to the Government, the medical report issued on 21 January 1993 by the legal medical service indicated that this person bore no visible signs of injuries.

138. Fernando González Olivares, arrested by the police in a street in Santiago on 8 January 1993, was reportedly subjected to such torture as beating and electric shocks. According to the Government, the medical report issued on 13 January 1993 by the legal medical service indicated that Mr. González had an injury caused by a sharp instrument.

139. Juana Enriqueta Baeza Rocha, arrested by the police in Santiago on 25 March 1993, was taken to a police station in San Miguel, where it was reported that she was repeatedly beaten and threatened with harm to her family. According to the Government, the medical report issued on 27 March 1993 by the legal medical service indicated that this person bore no visible signs of injuries.

Information transmitted by the Government with respect to cases included in previous reports

140. By the above-mentioned letter of 2 December 1993 the Government also replied to the cases referred to in the following paragraphs, which had been transmitted to it on 21 August 1992.

141. Adán Eloy Pacheco Pinto was reportedly arrested in 1991 and taken to the 3rd police station in Santiago. According to the Government, he was charged under Law No. 12.927 on the Security of the State and sentenced to imprisonment. During the proceedings he never complained of having been tortured. A medical report issued by a doctor of the Carabinieros hospital stated that Pacheco Pinto did not bear signs of recent injuries.

142. Nelson Ernesto Ruz Aguilera, Alfredo Heriberto Marchant Figueroa and Francisco Javier Diaz Trujillo were arrested in May 1991 and taken to the 3rd police station. The Government replied that they were being tried under the Arms Control Law.

143. Ana María Sepúlveda Sanhueza was arrested in March 1992 and taken to the Central Investigations Barracks. The Government replied that she was being tried for terrorism. She had never complained before the court of having been tortured. A medical report issued on 11 March 1993 by the legal medical service indicated that there were no visible signs of injuries.

144. Alicia Lira Matus was arrested in November 1991 while taking part in a peaceful demonstration. According to the Government, a complaint for torture was lodged with the 5th Criminal Court in Santiago. The case was, however, dismissed on 1 December 1992 for lack of evidence.

145. With respect to the cases of Bernarda Eugenia Valenzuela Montecinos, Juan Carlos Chávez Pilquil, Jorge Alfredo de la Fuente Llanos, Mario Valenzuela Martínez, Roberto Antonio Morales Pinochet, Nélida Molina Morgado, Lorena Reyes Anderson, José Antonio Sabat Méndez, Francisco Olea Lagos, Cristián Cárdenas Jofré, Mirentchu Vivanco Figueroa, Antonio Lenín Sánchez Pardo, José Cristián Arriagada Melo and Jorge Antonio Concha Meza, the Government replied that no formal complaints had been lodged with the judicial authorities and, therefore, no investigation into the veracity of the allegations had been carried out.

China

Information transmitted to the Government and replies received thereon

146. On 26 August 1993 the Special Rapporteur transmitted to the Government of China a letter containing a summary of allegations received with regard to the practice of torture in the country, as well as a number of individual cases. In addition, the Special Rapporteur made four urgent appeals on behalf of persons who, according to the information received, were at risk of being tortured. The Government sent replies with respect to some of them.

(a) Information regarding the practice of torture in general

147. According to the information received, although torture is prohibited by law in China, police and other State personnel continue to use it to extract confessions or to intimidate or punish prisoners. Torture often occurs during initial interrogation, immediately after arrest, when police officers try to force suspects to give information about themselves or others, or to admit alleged offences. Torture may also continue throughout the period of detention without trial, which can last for weeks or months before a detainee is either prosecuted and tried, or released without charge or given a term of administrative detention.

148. According to the information received, torture and ill-treatment are also common in prisons and labour camps where prisoners are transferred after being tried and sentenced by a court or after being sentenced to a term of administrative detention without the benefit of a trial. In penal institutions, ill-treatment often occurs when prisoners infringe regulations or disobey orders. Both common criminal prisoners and persons detained for political reasons have, reportedly, been subjected to torture. However, the majority of victims seem to come from the less educated or less privileged classes.

149. The most common methods of torture reportedly include beatings, assaults with electric batons or stun guns, the use of handcuffs and shackles in a way intended to inflict pain, suspension by the arms in contorted positions, being made to adopt painful or exhausting physical postures, deprivation of sleep or food, exposure to cold or heat, and prolonged solitary confinement beyond the 15 day period allowed by the Chinese regulations as a punishment. It is allegedly common practice for prisoners sentenced to death to wear handcuffs and/or leg irons from the time they are sentenced to death until they are executed, even if it is a period of several months.

150. Reports were also received of prisoners becoming ill in jail, frequently as a consequence of the lack of proper sanitation and hygiene, and poor nutrition, who were denied proper medical treatment.

151. According to the information received, Chinese law does not provide basic safeguards to protect prisoners against torture. The law only guarantees access to a lawyer in cases where detainees are prosecuted under the criminal law. Even in such cases, there is no provision in law for access to a lawyer or a judicial authority during pre-trial detention and access to a lawyer is only guaranteed once the procedure for trial has started. In these circumstances it is almost impossible for detainees to make complaints about torture. The legislation includes regulations which permit administrative detention without charge or trial and, therefore, without any access to a lawyer or a judicial authority, for a period of up to four years. Access for the family is usually only granted after a prisoner has been tried and sentenced or "assigned" a term of administrative detention. Furthermore, family visits are considered a privilege rather than a right and can therefore be denied to prisoners.

152. Although the Criminal Procedure Law stipulates that a confession alone is insufficient evidence to find a person guilty, in practice a confession is often found sufficient when the other evidence of guilt is inadequate. It was also reported that the courts often ignore the allegations of torture made by detainees during the trials.

153. The investigation of torture allegations is reportedly inadequate and few investigations take place. The investigations are not public and the findings are not subject to public scrutiny. Perpetrators often receive only administrative sanctions, such as a transfer. If they are prosecuted, the punishments are often light. Many investigations are in fact dropped without the alleged perpetrators being prosecuted.

(b) Individual cases transmitted to the Government

154. The 34 cases referred to in the following paragraphs were also transmitted to the Government, which replied concerning them on 22 November 1993.

155. An Fuxing, formerly a cadre at the Jilin Chemical Industry Corporation, in the Liaoning Province, was arrested in June 1989 on political charges and sentenced to five years' imprisonment. It was alleged that during his stay at the No. 1 Squadron of the Training Brigade, a part of the Lingyuan No. 2 Labour-Reform Detachment of Liaoning Province, he was repeatedly beaten. He was also reportedly kept in solitary confinement in a tiny dark cell where he was stripped naked, held down on the floor and repeatedly given shocks with high voltage electric batons on various parts of his body. As a result, he allegedly fell into a state of shock and had to be taken to hospital, but as soon as he came back he was tortured again with electric batons. According to the Government, An Fuxing, was sentenced in March 1991 by the Jilin Municipal People's Intermediate Court to five years' imprisonment for involvement in illegal activities injurious to State security. He is now serving sentence at the Lingyuan No. 2 prison in Liaoning. He has been in consistently good health and has never stayed in hospital.

156. Li Jie, a prisoner from Jilin province also held at the Lingyuan No. 2 labour-reform detachment, was reportedly stripped naked, held down on the floor and tortured with 50,000 volt electric batons on several parts of his body after trying to stage a one-day hunger strike on 4 June 1991. According to the Government, Li Jie was sentenced in February 1992 by the Changchun Municipal People's Intermediate Court to five years' imprisonment for involvement in illegal activities injurious to State security. He is now serving sentence at the Lingyuan No. 2 prison. According to investigations, he has never been subjected to beatings or verbal abuse.

157. Zhang Ming, a prisoner at the Lingyuan No. 2 labour reform detachment, Liaoning province, was reportedly beaten and kicked for writing a poem on the wall on 4 February 1992. On 4 April 1992, the Brigade commander reportedly summoned him to his office and assaulted him by striking him with an electric baton on the chest, back and neck. According to the Government, Zhang Ming was sentenced to prison in 1991 by the Beijing Municipal People's Intermediate Court for involvement in illegal activities injurious to State security, served his sentence in Lingyuan No. 2 prison and was released on 25 June 1992

when he completed it. He did not, during his sentence, "compose poems on the prison walls", and there is no question of his having been savagely beaten for this or any other reason.

158. In addition to the above-mentioned, the following prisoners at the Lingyuan labour reform detachment, Liaoning province, were also reported to have been subjected to torture, including frequent beatings:

(a) Chi Mengzhu, a senior high school graduate from Jilin city, arrested in May 1990 for printing and distributing leaflets and sentenced to 10 years' imprisonment. According to the Government, Chi Mengzhu was sentenced in June 1990 by the Jilin Municipal People's Intermediate Court to 10 years' imprisonment for involvement in illegal activities injurious to State security. He has never been subjected to beatings, verbal abuse or corporal punishment.

(b) Li Dejun, formerly a teacher in Benxi county, Liaoning province, sentenced to three years' imprisonment on political charges. According to the Government, Li Dejun was sentenced in August 1989 by the Benxi Municipal People's Intermediate Court to three years' imprisonment for involvement in illegal activities injurious to State security. He was never subjected to beatings, verbal abuse or corporal punishment during his sentence.

(c) Si Wei, a senior high school graduate from Tonghua city, Jilin, arrested in June 1989 for distributing leaflets and sentenced to three years' imprisonment. According to the Government, Si Wei was sentenced in November 1990 by the Tonghua Municipal People's Intermediate Court to four years' imprisonment for involvement in illegal activities injurious to State security and is now serving his sentence in Lingyuan No. 2 prison. He is in good health and has never suffered beatings, verbal abuse or corporal punishment.

(d) Tian Xiaoming, a college graduate from Dandong city, sentenced to seven years' imprisonment on political charges. According to the Government, Tian Xiaoming was sentenced in December 1989 by the Dandong Municipal People's Intermediate Court for involvement in illegal activities injurious to State security. He is in good health and has never undergone beatings, verbal abuse or corporal punishment.

(e) Liang Liwei, formerly an assistant engineer at Changchun No. 1 car factory, arrested on 10 June 1989, sentenced to three years' imprisonment and transferred to Lingyuan in April 1991. According to the Government, Liang Liwei was sentenced in November 1990 by the Changchun Municipal People's Intermediate Court to a term of imprisonment for involvement in illegal activities injurious to State security, and served his sentence at Lingyuan No. 2 prison. When his term was up, on 10 June 1992, he was released. He has never undergone beatings, verbal abuse or corporal punishment.

(f) Chen Zhuman, a farmer from Putian county, Fujian province, was arrested on 14 December 1991, accused of "illegally" joining a religious group and taken to the Putian county detention centre. According to the reports, he was beaten and hung upside down in a window frame with a mobile torture device, and left hanging like this for a long time. In August 1992 he was transferred to another prison in Quanzhou city where he is said to have been subjected to frequent beatings as a result of which he now suffers from hearing impairment and his hands shake constantly. According to the Government, Chen Zhuman was investigated as the law prescribes in December 1991 for involvement in illegal activities and assigned in 1992 to three years' re-education through labour. He has never undergone beatings, verbal abuse or corporal punishment.

(g) Fan Xueyan, aged 84, former bishop of Baoding, Hebei province, was arrested in November 1990 and remained missing until he died in April 1992. On the night of 16 April 1992 his body was reportedly delivered to his family by Public Security officers who did not give any explanation as to the cause of his death. The only official statement was made by a spokesman for the official Chinese Catholic Patriotic Association who explained that he had died of pneumonia. However, photographs of his body showed a large pinkish-purple mark on the side of his face and marks of apparent injuries on his legs.

(h) Khangsa Gyaltsen, a trader from Thentho Xiang, Zogang Dzong, was arrested on 7 July 1989 for having participated in a demonstration. He was detained in Chamdo where he allegedly underwent severe torture and was kept in solitary confinement. On 7 December 1990 he was transferred to Reform-through-Labour Unit No. 2 and is reportedly in very poor health. According to the Government, the investigation of Khangsa Gyaltsen's circumstances is pending.

(i) Laba Dunzhu (Lawa Dondrup or Lhapka Dondrup) was sentenced in 1989 to two-and-a-half years' imprisonment and sent to Gutsa detention centre in Lhasa. He reportedly was subjected to several kinds of torture, such as being hung from his arms which were chained behind his back and beaten on his back and abdomen while suspended. In winter, when it was very cold, he is said to have been made to lie down on the ground completely naked for one to two hours. He is reported to have suffered many injuries as a result of the torture, including a ruptured spleen, and to have become severely ill. He died in November 1991 at the People's Hospital in Lhasa.

(j) Li Lin, a worker from Hengyang, and his brother Li Zhi, were arrested in Hengyang, Hunan province, in 1991. They were first held for a few days at the Baishazhou investigation centre and then transferred to the Wanjiawan detention centre in Hengyang. According to the reports, they were beaten on several occasions during interrogation by being punched with fists and prodded repeatedly with an electric baton. They were released after five months. According to the Government, Li Lin and Li Zhi were arrested in Hengyang, Hunan, in 1991; they were released five months later, and subsequently left the country. While in captivity they were not severely beaten.

(k) Lobsang Tsondrue, a prisoner at Drapchi prison in Lhasa, was allegedly severely beaten and put in solitary confinement after a protest which took place in the prison in April 1991. According to the Government, Lobsang Tsondrue, sentenced by the Lhasa Municipal People's Intermediate Court to six years' imprisonment for involvement in illegal separatist activities, was sentenced by the prison, in accordance with the law, to a short period of self-examination in isolation for having seriously breached prison regulations, but has never undergone beatings, verbal abuse or corporal punishment.

(l) Lu Decheng, a worker for the Liuyang branch of the Hunan provincial bus company, was convicted of "counter-revolutionary" offences in August 1989 and sentenced to 16 years' imprisonment. He reportedly was subjected to severe ill-treatment from the time of his arrest. Following his trial he was transferred to the Hunan Provincial No. 3 Prison at Lingling, where he was reportedly kept in solitary confinement in particularly harsh conditions for a period of six months. According to the Government, Lu Decheng was sentenced by the Beijing Municipal People's Intermediate Court to 16 years' imprisonment for involvement in illegal activities injurious to the strengthening of the State and is being held in Hunan Province No. 2 prison. He has never undergone beatings, verbal abuse or corporal punishment.

(m) Ma Zhiqiang, a worker from Shanghai, was arrested on 15 June 1989 for attempting to form an independent trade union and taken to the Nanshiqu detention centre (Kanshousuo) where he was repeatedly beaten and kept handcuffed with his arms behind his back with tight manacles which caused his hands to swell. According to the Government, Ma Zhiqiang was sentenced by the Shanghai Municipal People's Intermediate Court to five years' imprisonment for involvement in illegal activities injurious to State security. He is currently serving sentence in Shanghai municipal prison. He has never undergone beatings, verbal abuse or corporal punishment.

(n) Ngawang Yankyi, a nun from Tsamkhung nunnery in Lhasa, was arrested on 21 August for taking part in a slogan-shouting demonstration and taken to Drapchi Central Prison in Lhasa. She was said to have been severely ill-treated and tortured and had to be taken to the Lhasa people's hospital. According to the Government, the investigation of Ngawang Yankyi's circumstances is pending.

(o) Ning Wang and Wenhua Zhu, prisoners at Tianjin No. 1 prison, Tianjin. Since 1989 they are reported to have been frequently beaten, given shocks with electric batons, restrained in tight punishment handcuffs and kept for long periods in solitary confinement. At the time of their detention Ning Wang served as chairman of the Tianjin Workers Autonomous Federation and Wenhua Zhu was a member of the Standing Committee of the same organization. According to the Government, Wang Ning was sentenced by the Tianlû Municipal People's Intermediate Court to eight years' imprisonment for involvement in illegal activities injurious to State security; Zhu Wenhua, to five years' imprisonment. Both are currently interned in Tianlû municipal prison. Neither in prison nor during the investigations has either undergone any kind of corporal punishment, beatings or abuse.

(p) Sin Jin, a journalist and former head of the Shanxi bureau of the Hainan Economic Newspaper, was taken into police custody in Hai Kou, on Hainan island, in July 1989. He was subsequently transferred to other detention centres, among them the Taiyuan city Public Security Bureau, where he is reported to have been severely beaten and put in irons weighing more than 50 kilograms, causing him temporary paralysis. According to the Government, the investigation of Jin Sin's circumstances is pending.

(q) Tang Boqiao, a student leader in Changsa during the 1989 protests, was held in six different detention centres and prisons in Hunan province following his arrest in July 1989. He was allegedly subjected to frequent, severe beatings from his cell-mates at the instigation of jail officials, as well as being struck with electric batons during his stay at Changsha No. 1 detention centre. While in Longxi prison, he was reportedly beaten, chained hand and foot and confined in a cold, damp and tiny cell. According to the Government, Tang Boqiao is now outside the country. During his internment he was never subjected to beatings, verbal abuse or corporal punishment.

(r) Tashi (Lhundup Kalden), a monk at Gaden monastery in Gyama Ziang, Maldrogunkar, Tibet, was arrested on 5 March 1988. At the time of the arrest he was allegedly stripped and flogged and hit with an iron bar over the head, which rendered him unconscious. He was reportedly kept shackled hand and foot for a 10-month period. He is now allegedly confined to his hospital bed and suffers from periodic blindness and deafness and has difficulty in standing. According to the Government, Tashi was sentenced by the Lhasa Municipal People's Intermediate Court to nine years and six months' imprisonment for involvement in illegal separatist activities. He served sentence at the Tibet Autonomous Region prison, but then, because he contracted a disease of the cerebral blood vessels, he was released on bail for medical treatment on 31 March 1993. According to investigations, during his period of imprisonment he never underwent beatings, verbal abuse or corporal punishment.

(s) Tsechok, a monk, was detained in Lhasa in 1989 and taken to the police headquarters where he was allegedly beaten with a cattle prod, sticks and rifle butts and tied up to the ceiling during an entire night. He was later transferred to Gutsa detention centre, where he was reportedly kept on an iron chair with his hands chained to the chair and his feet to a cement pillar for eight days. Subsequently he was allegedly hit with a stick with a triangular section, which left a two-inch-long scar on his head. According to the Government, the investigation of Tsechok's circumstances is pending.

(t) Wang Xizhe, detained at Guangdong Provincial No. 1 prison in Huaiji county, is alleged to be held in solitary confinement since 1988. In 1990 he reportedly went on hunger strike and was force-fed with a bamboo stick through which food was pushed down his throat. In 1991 his books and personal belongings were taken away for several months. He is said to suffer from depression and deteriorating health. According to the Government, Wang Xizhi was released on parole on 3 February 1993. He was in good health while in prison; considering his own expressed desire for quiet surroundings in which to read, the prison authorities arranged for him to occupy a comparatively roomy cell by himself, but he did normal recreational and sporting activities with the other convicts.

(u) Xie Baoquan, prisoner at Mian county detention centre (Kanshousuo), Shaanxi province, was punished in the winter of 1989-1990 for involvement in a fight. He and another man were allegedly handcuffed back to back and tied with a rope, which the other prisoners had to pull as fast as they could, dragging along the two men tied up. This treatment, called "the old ox ploughing the land", left Xie Baoquan with a massive wound on his back which took several months to heal. According to the Government, the investigation of Xie Baoquan's circumstances is pending.

(v) Xu Wenli is serving a sentence of 15 years' imprisonment at Beijing No. 1 prison. He is alleged to have spent 11 years of his sentence in solitary confinement and to have at times been subjected to punishments. In 1986 he was allegedly confined in a windowless cell opening through a trap door in the ceiling, with reduced food rations and no visits, mail or reading matter. According to the reports, official sources have confirmed in recent years that he was still in solitary confinement. According to the Government, Xu Wenli was released on parole on 26 May 1993. During his internment in Beijing No. 1 prison the prison authorities arranged for him, at his own request, to occupy a comparatively roomy cell so that he could study more easily. He did normal recreational and sporting activities with the other convicts. There is an essential distinction between this and solitary confinement.

(w) Yao Guisheng, a worker in Changsha, was arrested in Zhuzhou after June 1989 and sentenced to 15 years' imprisonment. During his stay at Hunan Provincial No. 6 prison in Longxi he is reported to have become mentally ill as a result of repeated ill-treatment. He was periodically put in solitary confinement, frequently beaten and made to wear shackles. According to the Government, while in prison Yao Guisheng was given 10 days' confinement as punishment for fighting, brawling and serious breaches of the prison regulations, but he has never undergone beatings, verbal abuse or corporal punishment.

(x) Zhang Xudong, a worker and director of Changsha lift factory, was reportedly arrested in 1989 and taken to the Changsha No. 1 detention centre, where he was made to wear handcuffs and leg irons for nearly a year. According to the Government, the investigation of Zhang Xudong's circumstances is pending.

(y) Zhang Ruiyu, a 54 year-old teacher at the Physical Education Academy in Xianyu county, Fujian province and a member of the New Testament church, was severely beaten by a group of officers from the local Public Security bureau who burst into her house on 31 May 1990. Reportedly, her face was burned with electric batons and she was beaten to the extent that her teeth were broken. According to the Government, Zhang Ruiyu was sentenced to four years' imprisonment in November 1991 for involvement in illegal activities and breach of the criminal law. During her incarceration she has never been subjected to beatings, verbal abuse or corporal punishment.

(z) Zhou Min was reportedly arrested in June 1989 in Changsha and taken to Changsha No. 1 detention centre where he was repeatedly ill-treated and beaten with electric batons. In June 1990 he was sentenced to six years' imprisonment and transferred to Hunan Provincial No. 1 prison in Yuanjiang.

(aa) Zhu Mei, aged 73, a retired primary school teacher and member of a Protestant house-church in Shanghai, is reported to have been severely beaten on several occasions while serving a sentence of five years' imprisonment at Tilanqiao, Shanghai municipality's main prison. As a result of the beatings one of her knees was broken in 1991.

(bb) Zhang Lezhi, a Christian member of the banned New Testament church, was arrested on 8 September 1992 in Nine Lanes village, Shouguang county and taken first to a local police station and two days later to the Shouguang city detention centre. While in custody, he was reportedly assaulted by two police officers with an electric baton. After the beating his legs were allegedly manacled with fetters weighing nine kilograms; his hands were also handcuffed and the handcuffs and fetters were tied together with a short chain so that Zhang Lezhi had to stay bent at a 180-degree angle. The beatings reportedly continued while he was thus chained and an additional fetter was later added to his legs, bringing the total weight to 13 kilograms. According to the reports, he was chained in this painful position day and night for three months without the chains ever being removed, even for sleeping or eating. When the weather became cold, he reportedly requested permission to have the chains removed so as to put on additional clothes, but this was also denied.

(cc) Zhu Zizheng was arrested in the same circumstances as Zhang Lezhi. According to the reports, he was forced to sit for a whole day on a so-called "security chair" (anquan yi) which had spikes on the sides. This chair is reportedly used at the detention centre for punishing inmates and any movement on the chair causes severe pain. Zhu Zizheng was reportedly beaten while he was sitting on the chair and had food forced into his mouth.

159. With regard to these four last persons the Government replied that the investigation was pending.

Urgent appeals

160. In addition to the above-mentioned cases, the Special Rapporteur transmitted to the Government of China four urgent appeals on behalf of the persons mentioned in the following paragraphs, regarding whom fears were expressed that they might be subjected to torture. The date on which the appeals were sent is mentioned in parentheses at the end of the corresponding summary.

161. Sonam Wangdu and Ganden Tashi, prisoners at Drapchi prison, Lhasa, were said to be in very bad physical condition owing to the mistreatment they had suffered since their arrests in 1988. Fears for their lives were expressed unless they were given proper medical care and protection from further mistreatment. (16 December 1992)

162. Rinchen Gendun, a tourist guide, and Lobsang Yanten (also known as Tsasur Choenzed) described as an elderly former monk from Drepung monastery, as well as a woman whose identity was not reported, were arrested at their homes in the Ramoche area in Lhasa on 13 May 1993 around midnight and taken to an unknown place. It was reported that the arrests were carried out approximately 48 hours before a visit to the region by a European Community delegation and, according to the source, the reason for the arrests was to prevent those people from contacting the members of that delegation. It was also alleged that in the past several people arrested in similar circumstances, including Sonam Wangdu, Lhundrups Kalden and Sonam Dolkar, had been held incommunicado and severely tortured: the first two are now

said to be paralysed for life as a result of the torture; the third, a woman, was allegedly arrested and tortured for reportedly speaking to a foreign journalist. (21 May 1993)

163. With respect to these cases the Government replied on 26 May 1993 that Rinchen Gendun, Lobsang Yonten and a woman had been detained in accordance with the law for interrogation. The woman was released the same day. The reason for detaining the other two was that they had stolen a large number of State secrets and engaged for a long time in separatist activities, which directly threatened China's national security. The judicial organ of China would look further into the case and handle it properly in accordance with the law. The arrests had nothing to do with the visit to Tibet by the European Community envoys.

164. In the above-mentioned letter of 26 August (see para. 146) the Special Rapporteur communicated to the Government additional information he had received with regard to the third person arrested together with Rinchen Gendun and Lobsang Yonten, whose name was Damchoe Pemmo, a Lhasa trader in her mid-twenties. She was pregnant when she was detained and reportedly miscarried a week later after police forced her to remain standing for at least 12 hours and beat her with electric batons in the Seitru detention centre.

165. In the evening of 27 March 1993 in the village of Taoyuan, Lijia township, in Xunyang county of Shaanxi province, a group of police officers broke into a religious meeting attended by some 26 local Christians and five others who had come from the neighbouring county of Ankang. Without explanation, the police reportedly started beating those present with truncheons, including a nine-year-old boy. The five Christians from Ankang, including a 22-year-old man named Lai Manping, were violently beaten before being taken to the local police station. Lai Manping was released a few days later but died shortly after as a result of the injuries sustained. Over 90 Christians were said to have been arrested in the area following the incident. (25 May 1993)

166. On 28 May 1993 the Government replied that three peasants from Ankang city in Shaanxi province, including a 21-year-old man named Lai Manping, had organized an unlawful gathering at the village of Taoyuan, Luhe district, in Xunyang county of Shaanxi province. The gathering, which disturbed the local social order, was outlawed by the local public security organ on 28 March. Mr. Lai was beaten on his bottom by local people with a bamboo pole for his wrongdoing and, as a result, he was injured slightly. He died of a heart attack on 6 April 1993. His death had nothing to do with the slight injury. Moreover, the report that 26 Christians were beaten by the police and over 90 were arrested was totally groundless.

167. In the above-mentioned letter of 26 August the Special Rapporteur communicated to the Government additional information he had received with regard to this case, according to which the incident had occurred in the evening of 27 March 1993 in the village of Taoyuan, in Xunyang county, when a group of police officers broke into a religious meeting attended by some 26 local Christians and five others who had come from the neighbouring county of Ankang. Without explanation, police reportedly started beating those

present with truncheons and put handcuffs on the five Christians from Ankang, two of whom were women. The Ankang Christians, including Lai Manping, were then repeatedly beaten by police. The local Christians were reportedly forced to take part in the beating, under threat of being beaten themselves. The Ankang Christians were then held for eight days in a local police station. Lai Manping was allegedly in a very bad state owing to the beatings and was released when police realized he might die in custody. He crawled a few kilometres away from the police station and died shortly after being found by local farmers.

168. On 28 November 1993 the Government reiterated the information provided on 8 May 1993.

169. Liu Gang, a former student leader imprisoned at the Lingynan No. 2 labour-reform detachment in Liapning prison, was reported to be in very poor health as the result of continuous ill-treatment and harsh conditions of detention. Despite the fact that he suffered from heart and stomach trouble, psoriasis and a prolapse of the anus, he had reportedly been denied appropriate medical treatment. It was further reported that Liu Gang was subjected to severe ill-treatment, including electric shocks, after seeing his relatives on 2 October 1992, allegedly for telling them how he was being treated. (25 May 1993)

170. Lodoe Phuntsok, a security assistant at the Lhasa city hospital and the Bharkor local police station, was reportedly arrested on 23 May 1993 for suspected involvement in "counter-revolutionary" activities and taken to the Seitru (Sei Chu or fourth unit), detention centre in Sangyip, north-east of Lhasa. (13 September 1993)

171. On 25 October 1993 the Government replied with respect to this case that Lodoe Phuntsok had been detained on 20 May 1993 by the Tibet Autonomous Region public security organs for engaging in unlawful activities with the objective of dividing the country and overthrowing the Government. As he had acknowledged his guilt and his conduct had been good he had been released. He had received good treatment while under investigation.

Observations

172. The consistency of the reports reaching the Special Rapporteur and his predecessor over the years compels acknowledgement of the serious grounds for concern about the persistence of an extensive problem of torture and severe ill-treatment of prisoners in various parts of China, despite the existence of legal provisions aimed at repressing it. The Special Rapporteur is aware of the relevant conclusions and recommendations of the Committee against Torture (A/48/44, paras. 423-429) and associates himself with these, in particular the recommendations aimed at preventing prolonged incommunicado detention and bringing to justice persons responsible for torture. The Special Rapporteur recommends that, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, resort to prolonged solitary confinement and the use of shackles should be abandoned.

Colombia

Information transmitted to the Government

173. By letter dated 26 August 1993 the Special Rapporteur advised the Government that he had received information on 17 cases of torture reported to have occurred in the country. These cases are described in the following paragraphs.

174. Wilson Méndez was arrested by members of the army on 26 October 1992 in the city of Doncello, department of Caquetá, on suspicion of belonging to the opposition group Fuerzas Armadas Revolucionarias de Colombia (FARC). He was taken to the Florencia Battalion where he was reportedly shot in the legs and had to be transferred to María Inmaculada hospital where he underwent surgery. According to witnesses, while he was in hospital the soldiers guarding him struck him with their weapons, inflicting fresh injuries to his legs. The medical personnel who attempted to intervene reportedly received death threats.

175. Luis Fernando Martínez and his wife Sonebia Pinzón Herrera had their house in Sabaneta, department of Santander, broken into during the night of 7 November 1992 by a group of five soldiers from Mobile Brigade No. 2. Luis Fernando Martínez was taken to prison and his wife, Sonebia Pinzón, and her two-year-old daughter, Marcela Becerra Pinzón, were reportedly raped by the soldiers. Subsequent medical examinations were said to have confirmed these reports. According to the information received, four soldiers from Anti-Guerrilla Battalion No. 18 ("Cimarrones"), connected with Mobile Brigade No. 2, were detained on accusations of child abuse, rape and conspiracy to break the law.

176. Heberto Sánchez Tamayo, Diego Miguel Hernández and Astrid Liliana Rodríguez were part of a group of 18 persons travelling on a river boat from Tres Esquinas to Cartagena del Chairá in the municipality of San Vicente del Caguán, department of Caquetá, on 20 March 1993. The boat was reportedly intercepted outside Puerto La Reforma by members of the army's Mobile Brigade No. 1, who forced some of the passengers, including the above-mentioned persons, to strip off their clothes and disembark. These persons were then interrogated on guerrilla activities in the area and tortured, in particular by suffocation in the mud of the river. Heberto Sánchez and Diego Hernández had their arms and knees twisted and were hung upside down. Astrid Rodríguez was beaten on the feet with a hammer, had soap stuffed in her mouth and her breasts crushed. They were then transferred to Battalion No. 36 ("Montaña Cazadores") at San Vicente del Caguán where Astrid Rodríguez was subjected to further maltreatment.

177. Gilberto Jurado Alvarán, and Henri Cardona, were arrested on 3 August 1993 on the road from Fortul to Arauquita, department of Arauca, by members of the Reveiz Pizarro de Saravena Battalion of the Mechanized Cavalry. They were taken to Simon Bolívar School of Vereda "La Salve" where, they were reportedly beaten severely. Mr. Jurado was reportedly also subjected to drowning attempts in a nearby lake. Before being released four days later, they were forced to sign a declaration stating that they had been well treated.

178. The Special Rapporteur was also informed of the cases referred to below, which reportedly occurred in Barrancabermeja, department of Santander.

179. Armando Gómez, was arrested on 18 April 1993 while riding a motorcycle near the Departmental Inspectorate of El Llanito in the municipality of Barrancabermeja by members of the armed forces. He was taken to a nearby farm where, while being interrogated, he was reportedly beaten and his head submerged several times in a basin of water to the point where he was close to drowning. He was then taken together with another 19-year-old who was also under arrest, Dimas Benavides, to the Nueva Granada Battalion where electric shocks were reportedly applied to their testicles, their necks and their feet while they were being beaten. They were released on 20 April.

180. Miguel Angel Duque Valencia was arrested on 30 April 1993 by 10 plainclothed men who took him to the Nueva Granada Battalion where he was subjected to such torture as suffocation, beatings and kicks in various parts of his body.

181. José Manuel Rodríguez Sampayo was arrested on 1 May 1993 by a group of plain-clothed men who took him to the Nueva Granada Battalion, where he was subjected to suffocation and beatings all over his body to the point where he lost consciousness. Before being turned over to the government procurator's office he was forced to sign a declaration stating that he had been well treated.

182. José Antonio López was arrested on 3 May 1993 by plainclothed men. He was reportedly taken to the Nueva Granada Battalion and led blindfolded through some of the north-eastern districts. In one of these districts they made him force open a door with his head. They then took him to a swamp where they repeatedly submerged his head in water, almost drowning him, and from there back to the Nueva Granada Battalion where it was reported that they submerged his head in water again, applied electric shocks to his testicles and burnt him with cigarettes.

183. Orlando Noguera was arrested on 3 May 1993 by plainclothed men who bound his hands, feet and waist with barbed wire. They took him to the Nueva Granada Battalion where they poured acid into his stomach, producing ulcers. Still tied up, they took him to the north-eastern districts where they filled his mouth with mud, after which they took him to a marsh and repeatedly submerged his head in water for two hours. They then took him back to the Battalion where they reportedly trod on his testicles with boots, applied electric shocks to them, and stuck pointed sticks up his nose. They also reportedly kicked him in the ears, impairing his hearing.

184. Yofre Cervantes Corzo was arrested on 3 May 1993 by plainclothed men. He was detained in the Nueva Granada Battalion for 32 hours during which he was subjected to rifle blows and electric shocks to his testicles, and his head was repeatedly submerged in water.

185. Orlando Rueda Arguello was arrested by troops from the Luciano D'Elhuyart Battalion on 13 March 1993 at a military post near San Vicente de Chucurí. He was handed over to the San Vicente de Chucurí police who reportedly subjected

him to such torture as introducing his head into a plastic bag into which water was then poured. They also reportedly stuck pins under his nails and beat him.

186. By the same letter, of 26 August 1993, the Special Rapporteur reminded the Government of a number of cases transmitted in 1992 regarding which no reply had been received.

Information submitted by the Government in connection with Commission resolution 1993/48

187. In pursuance of this resolution the Government provided information on the results of the anti-drug programme for the period 1990 to August 1993. It also stated that, following a terrorist attack carried out by drug traffickers on 15 April 1993 in Bogota which caused the death of 10 persons, further measures in the framework of the emergency legislation had been adopted.

Observations

188. The Special Rapporteur is aware of the situation in Colombia, reflected in the Government's letter of 24 July 1992 noted in his predecessor's last report (E/CN.4/1993/26, para. 116) and characterized by brutal, violent acts of armed opposition groups and gangs of drug traffickers. The Government correctly does not claim that such acts, however atrocious in themselves, justify resort to torture by the official security forces or others acting with their complaisance. The Special Rapporteur looks forward to learning from the Government what measures it proposes to take to bring under control this problem which seems to be endemic, especially in zones of conflict.

Cuba

Information transmitted to the Government

189. By letter dated 3 November 1993 the Special Rapporteur informed the Government that he had received information on seven cases of prisoners alleged to have been grievously ill-treated in several prisons of the country. These cases are described in the following paragraphs.

190. Julio Pérez Benítez, 19 years old, a detainee at Agüica prison, province of Matanzas, was reportedly beaten on 19 May 1992 with rubber truncheons by a group of guards until he lost consciousness.

191. Manuel Benítez Hernández who is serving a sentence for enemy propaganda in Boniato prison, Santiago de Cuba, was allegedly given a severe beating in September 1992 at the punishment area known as Boniatico, with the result that he received a head wound which needed several stitches, and bruises all over his body.

192. Joel Alfonso Matos, a detainee at the Quivicán prison, was said to have been beaten on 23 October 1992 by a group of seven guards, resulting in injuries to the mouth and one eye for which he had to be admitted to the San Antonio de los Baños hospital.

193. Luis Alberto Pita Santos, President of an organization calling itself the "Asociación Defensora de los Derechos Políticos", was allegedly given a severe beating in December 1992 in Boniato prison which left him with a fractured arm. It is reported that he was later moved to the Camagüey maximum security prison, where he was imprisoned for months with his feet shackled from 5 a.m. until 9 p.m., and that, on 22 April 1993, he was wounded as a result of another beating given by a prison guard for having refused to wear a uniform.

194. José Pascual Castillo, a detainee in the Manacas provincial prison, Villa Clara, was allegedly beaten on 15 February 1993 by several guards. According to the information received, Mr. Castillo was handcuffed and beaten with rubber truncheons and kicked until he almost lost consciousness; afterwards he was moved to a solitary confinement cell.

195. Gerardo Montes de Oca, a detainee in Block 2 of the Combinado del Este prison, was said to have been severely beaten in May 1993 by four prison guards. He was then apparently moved to a sealed-up cell for three days, after which he had to be admitted to the prison infirmary because of the injuries he had suffered.

196. Juan Carlos Aguiar Beatón a detainee in the Guanajay prison in the province of Havana, was allegedly subjected to a severe beating on 15 July 1993 by several guards, who beat him with rubber truncheons and other blunt objects. It was reported that the beating was prompted by Mr. Aguiar Beatón's refusal to stop speaking to another prisoner through the window and that, as a result of the injuries he suffered, the prisoner died a few days later.

197. The following two cases were also transmitted to the Government:

(a) Heriberto Arce Vázquez was reported to have been brutally beaten on 24 May 1992 in Santa Clara, Villa Clara, by several police officers when he was in the street with a group of young people, one of whom had shouted "Down with Fidel". It was alleged that he was then taken to the third police unit, where he was also beaten, and that, as a result, he had to be taken to hospital, where he was issued with a medical certificate because of his injuries and prescribed complete rest.

(b) René Contreras Blanch, a member of the "Partido Cubano de Derechos Humanos", was reportedly assaulted on 16 March 1993 in Aguila Street, between Estrella and Reina streets in Central Havana, by several police officers who beat him and hurled a stone at him which caused a serious head wound.

Urgent appeals

198. The Special Rapporteur sent an urgent appeal to the Government on 16 December 1992 on behalf of Elizardo Sánchez Santa Cruz, leader of the group known as the Cuban Commission for Human Rights and National Reconciliation, who was detained at his home in Havana on 10 December 1992 by members of the State security forces. It was alleged that at the time of his detention Mr. Sánchez Santa Cruz was beaten and had to be taken to hospital.

On the following day he was transferred to the detention centre of the Technical Investigation Department situated at Calle 100 and Aldabó. Fears were expressed that he might be ill-treated or tortured while in detention.

199. On 12 March 1993 the Government replied that E. Sánchez Santa Cruz had committed a breach of the peace during which he expressed angry and violent criticism of the country's political and social system and insulted citizens and neighbours who argued with him. This resulted in a fracas during which blows and insults were exchanged, ending in intervention by the forces of law and order. E. Sánchez Santa Cruz was taken to the Carlos J. Finlay military hospital; as this was the closest hospital to his home it is clear that there was no intention whatsoever to conceal the incident and its consequences. At the hospital he was given the necessary treatment; his injuries were described as slight, consisting of simple small bruises caused by punches, almost all of them from women. Subsequently he was taken to the Investigations Department situated at Calle 100 and Aldabó, where he was charged with disturbing the peace and, within the period specified in Cuba's criminal procedure law, was provisionally released on bail. At no time was he kept incommunicado, and his relatives were aware of his detention and the place thereof. With regard to the slight injuries suffered by E. Sánchez Santa Cruz, they quite clearly resulted from his altercation with his neighbours and were certainly not caused by the police.

Dominican Republic

Information transmitted to the Government

200. By letter dated 26 August 1993 the Special Rapporteur informed the Government of reports he had received concerning an incident on 21 July 1993 when the police tried to eject several peasant families from some land which had been allocated to them in the area of Mate de Palma, Guerra, during the 1960s. One of the peasants, Juan Díaz Ulerio, was reported to have been severely beaten. Moreover, a merchant who had accompanied the police and laid claim to the land, poured petrol over Díaz Ulerio and, in the presence of the police, set fire to him. As a result, he was admitted to hospital with third degree burns.

201. By the same letter the Special Rapporteur reminded the Government of the case of Felipe de Jesús Medrano García, transmitted in 1992, regarding which no reply had been received.

Ecuador

Information transmitted to the Government

202. By letter dated 26 August 1993 the Special Rapporteur drew the attention of the Government to the cases of the following six persons reported to have been tortured in establishments of the Office for the Investigation of Offences (OID).

203. William Fausto Andrade was arrested on 6 June 1992 at his home in the parish of El Eno, Sucumbios province, region of Amazonas, by two uniformed policemen and four plainclothed individuals who accused him of being involved

in the death of a particular person. He was taken to the police station at Lago Agrio, and a few hours later, five policemen reportedly took him to the banks of the Aguarico river where he was interrogated and tortured.

204. Víctor Hugo Cadena was arrested by two policemen on 25 July 1992 in a street in the district of Atahualpa, southern Quito, and taken to the OID at Pichincha. Here he was blindfolded, handcuffed and interrogated by four policemen in connection with the theft of some motorcycles. According to the information received, the policemen kicked him in the stomach and legs, suspended him with his hands tied behind his back and subjected him to electric shocks. Upon his release three days later he lodged a complaint with the OID headquarters as a result of which he reportedly received threats from certain OID officers.

205. Julio Lara Terán was arrested on 17 July 1992 in a northern district of the city of Quito and taken to the Pre-trial Detention Centre (CDP). The next day he was taken to the offices of the OID at Pichincha where he was interrogated in connection with a robbery. During the interrogation he was allegedly suspended by his arms, one of which was fractured in the process. He was then taken back to the CDP where he remained, reportedly without medical attention, until 29 July, when he was released.

206. Felipe Moreira Chávez was arrested by the police on 20 August 1992 in Quevedo, province of Los Ríos, on suspicion of having held up a bank. He was taken to the OID where he died, reportedly as a result of the torture to which he was subjected, in particular electric shocks.

207. Luis Olmedo Aguilera López was arrested by a policeman of the Pichincha OID on 24 February 1993 at his home at Pintag, near Quito, on accusation of stealing cattle, and taken to the CDP in Quito. The next day he was transferred to the Pichincha OID where his friends and relatives reportedly detected signs that he had been severely beaten and observed that he walked with difficulty. On 2 March he was reportedly taken to the Third National Police Station of the canton of Quito and then back to the CDP. The same day he had to be taken to Eugenio Espejo hospital, where he died. According to the autopsy report, his body was bruised.

208. José Ignacio Chauvín, 17 years old, was arrested on 14 February 1993 in the city of Quito by policemen who took him to a police building where he was allegedly handcuffed to a chair and beaten in the face and stomach and on the soles of his feet. A few hours later he was released near the district of El Ejido.

Egypt

Information transmitted to the Government

209. By letter dated 26 August 1993 the Special Rapporteur informed the Government that he had received reports according to which torture was commonly practised in police stations, the headquarters of the State Security Intelligence at Lazoghly Square and on the premises of the *Firaq al-Amn*

(security brigades) and the State Security Investigations (SSI) police throughout the country. Official complaints lodged by lawyers with the Procurator General's Office regarding torture reportedly remain without response or apparent investigation.

210. The Special Rapporteur was also informed that for the last three years the SSI has illegally used camps of the Central Security Forces (CSF) in the south of the country as centres for the detention and torture of detainees suspected of belonging to Islamist groups, with the aim of forcing them to give information or confess to charges against them, or as a form of punishment. The following camps were mentioned in particular: the Abnoub camp, on the eastern bank of the Nile, opposite the village of Assara, near Assiut city; the Qena camp, located in the vicinity of the Sawam'a area, 6 km from Qena city; the Fayyoum camp, in the Kahafah region, 15 km from Fayyoum city; and the Red Sea camp in Hurghada city, close to the Dahar police station. According to the reports no presidential decree has been issued setting up these camps (which are considered military zones) as special prisons, neither do they belong to the other categories of prisons established by Law 396 of 1956 on the organization of prisons, and as such they do not fall under the competence of the Prisons Authority responsible for the implementation of the statutes and decisions on the organization of prisons. Moreover, the camps are reportedly not subject to judicial supervision, lack official records in which the detention orders are registered, and detainees held in them are denied any contact with lawyers or family.

211. The methods of torture prevalent at the CSF camps are reportedly the same as those used in SSI offices. They range from beating, whipping and hanging in awkward positions to the application of electric shocks to sensitive parts of the body, both directly and indirectly, by immersing the victim in water and passing an electrical current through it, as well as sexual abuse and threats of rape. The persons referred to in the following paragraphs were reported to have been tortured in these camps.

212. Mohamed Bakri el-Sheik was arrested in 1990 and accused of setting fire to a video club. He was detained at the CSF camp in Abnoub and reportedly tortured during a week with beatings, hanging in awkward positions, electric shocks and sexual abuse.

213. Ossama Bahey-Edin Mahmoud was arrested on 11 November 1991 and taken to the SSI offices in Assiut, where he allegedly was beaten. After one day he was transferred to the CSF camp in Abnoub, where he was held in a dark, humid cell without ventilation. From there he was reportedly taken to the camp hospital, blindfolded and handcuffed, and given electric shocks to sensitive parts of his body while suspended naked from a doorpost.

214. Moustafa Seddik Ibrahim and Gamil Hassan Metwalli, were arrested on 2 January 1992 by the SSI and taken to SSI offices, where they were reportedly beaten and doused with ice-cold water, blindfolded and handcuffed. After two days they were taken to the Abnoub CSF camp hospital, where they were reportedly exposed to severe beating, hanging in complex positions, electric shocks and sexual assault.

215. Ashraf Aboul-Hassan Ibrahim and Saber Hamza Moubarak, were arrested by the SSI in Alexandria on 31 July 1992. For 17 days they were held at the SSI offices in Alexandria and the Al-Labban police station, where they were reportedly tortured. Subsequently, they were transferred to the CSF Qena camp where they were reportedly blindfolded, handcuffed, stripped naked, hung by the hands with pressure on the shoulders or weights to the feet, beaten with electric wires and sticks, doused with icy water and given electric shocks.

216. Mohamed Elwi Ali, arrested on 13 March 1992, Hassan Mekkawi Hussein, arrested on 10 June 1992 and Atteya Ahmed Mohamed, arrested on 17 July 1992, were allegedly tortured at the CSF camp in Fayyoum with methods including beatings with sticks, the stubbing of burning cigarettes on their bodies and the application of electric shocks to sensitive parts of the body.

217. The Special Rapporteur also transmitted to the Government the cases of torture described in the following paragraphs.

218. Al-Sharif Hassan Ahmed, Ahmed Ibrahim 'Abd al-Galil, Qassim Ibrahim Qassim Qettish, 'Ala' al-Din Isma'il 'Abbas Ramadhan and Mohammad Sa'id Mohammad 'Abdu, were arrested in August 1992 in Alexandria under accusation of membership of an underground terrorist organization. One of them, Al-Sharif Hassan Ahmed, was sentenced to death and the others were given sentences ranging from a one-year prison term to life imprisonment. They were reportedly tortured following their arrest, and official forensic medical doctors who examined them found physical scars consistent with the torture they had alleged. Reported methods of torture included electric shocks on different parts of the body and beatings.

219. Mahmoud Guhayni al-Sa'dawi was reportedly arrested on 29 February 1992 and held in Istiqbal Tora prison until 21 May 1992, when he was transferred to the headquarters of the State Security Intelligence in Lazoghly Square. There he was reportedly severely tortured for six days and he subsequently died in the same building. An official inquiry by the Procuracy established that his death was due to circulatory and respiratory depression, but apparently failed to shed light on the circumstances surrounding the death.

220. 'Amer 'Abd al-Mun'im, a journalist working for the opposition al-Sha'b newspaper, was arrested in July 1992 under accusation of possessing anti-government leaflets and held for one month at the SSI headquarters in Lazoghly Square. According to the reports, he was beaten and subjected to electric shocks on different parts of his body, in particular his left hand.

221. Mohammed Ali Mohammed Ali was arrested on 24 January 1993 in Cairo on suspicion of car theft and taken to the Agonza police station. While in detention he was reportedly hung over a door and beaten on the soles of the feet. Following this the chief of investigation reportedly injected him with a mixture of water and faeces which eventually caused gangrene in his leg. As a result, he had to undergo three operations at the Qasr Al Alny hospital.

222. Information was also received about conditions prevailing in some of the main prisons in the Cairo area, in particular the Tora Istikbal and Abu Za'bal Liman prisons. According to the reports, security detainees are tortured as a matter of routine during interrogation by the SSI prior to their transfer to prison, and sometimes are secretly removed from prison to be tortured in SSI custody. Methods of torture consist inter alia of beating with electric prods and leather whips with pieces of metal attached. The following individual cases were communicated.

223. Dr. Mohammed As-Sayyid Said and Amir Salem, members of the board of trustees of the Egyptian Organization for Human Rights, and Hisham Mubarak, a lawyer, were arrested in August 1989 for their alleged membership of the Egyptian Workers' Communist Party and taken to the Abu Za'bal Liman prison. As a consequence of the beatings to which they were reportedly subjected Hisham Mubarak suffered a haemorrhage in his right ear and temporary loss of hearing, in addition to scars on his back and on the back of his head. He also was unable to move his right leg as a result of blows directed at his spine.

224. It was also reported that medical care is often denied to prisoners who urgently require treatment or who have been recommended for specialized care at outside hospitals. Some prisoners allegedly died in prison hospitals or in their cells because of poor and non-existent medical care. This was the case of Talip Kilich, a 52-year-old Turkish prisoner at Qanater, who died in his cell after he was allegedly beaten by jail warders on 27 July 1991. It was also the case of Mohammed Mahmoud Shak, a Somali prisoner at Qanater, who died on 29 November 1991 after he was allegedly severely beaten for attempting to escape. Despite the 75 lashes authorized (with head, arms and legs tied on a piece of wood shaped like a cross), about one hundred warders were said to have taken turns at beating him. He was later transferred to an underground cell where he died. He was allegedly not given any treatment for the wounds he sustained.

225. By the same letter of 26 August 1993 the Special Rapporteur reminded the Government of allegations of torture transmitted in 1992, regarding which no reply has been received.

Observations

226. The Special Rapporteur shares the concern and alarm of the Committee against Torture (CAT/C/SR.170, para. 2) in respect of the serious problem of terrorism in Egypt. The terrorist acts are carried out by groups preposterously invoking religion to justify vicious attacks, often directed against civilians, Egyptian and foreign. He is also concerned by the Committee's assessment that torture is routinely practised in Egypt and that the difficult situation cannot justify departures from the absolute prohibition of torture, in respect of suspected terrorists or anyone. He endorses the Committee's suggestions and recommendations, in particular those aimed at putting an end to incommunicado detention and at bringing to justice those responsible.

Equatorial Guinea

Information transmitted to the Government

227. By letter dated 26 August 1993 the Special Rapporteur advised the Government that he had received information according to which torture is habitually used in Equatorial Guinea as a means of extracting confessions from detainees or as a form of punishment. Although it is used principally against political detainees, it is reportedly also used against persons suspected of ordinary offences. Methods of torture include beatings, applied particularly to the soles of the feet, electric shocks applied to the genital organs and hanging of the detainees by their feet or arms. Torture is common, above all during police detention, but it was reported also that prisoners already sentenced have sometimes been removed from prison by security forces and tortured.

228. Conditions in the penitentiary centres are reported to be deplorable, particularly for women. Neither the "Black Beach" prison in Malabo nor Bata prison provides any real separation between men and women, and cases of sexual abuse and rape of women by male prisoners and/or guards are allegedly common. Medical care is systematically refused.

229. The following individual cases were transmitted to the Government:

(a) Andrés Angue Abeso a former member of the town council of Sen-Esason, was arrested in April 1992 on accusation of having used magic against the authorities. He was said to have been severely beaten, and tied to a post and left in the sun for five hours.

(b) Demetrio Alfara, Tomás Buechecu, Julio Esono, Enrique Ndong, Pablo Ndong, Gaspar Ondo and Guadalupe Ngue were part of a group of 29 persons who were detained on 1 September 1992 when the police raided the offices of the Progress Party of Equatorial Guinea (PPGE) at Malabo. The detainees were taken to the National Police headquarters, and the persons listed above were transferred to Playa Negra prison. All of them were reportedly beaten on the soles of their feet.

(c) Esteban Juan Mbomio Nchama a prisoner serving a four-year sentence at Black Beach prison, was taken to a police station on 8 June 1991 for interrogation in connection with some prisoners accused of murder. His hands and feet were reportedly tied up, and he was beaten and suspended by the wrists for six hours until one of his arms broke. He was then taken back to the prison where he was kept in a punishment cell for seven months. No medical care was provided.

(d) Dámaso Abaga Nve died on 31 March 1993 allegedly as a result of torture inflicted on the premises of Ebebiyin police station. A doctor from the district hospital reportedly examined the body and confirmed a fracture of the left hand, three bruises to the head, two frontal bruises and interdigital cuts on the left hand.

230. The Special Rapporteur was also informed that, in connection with a peaceful demonstration held in Bata on 24 November 1992, about 40 students and teachers were arrested by the police and detained for two days. All of them were reported to have been seriously tortured.

231. Furthermore, on 17 December 1992, about a hundred persons were arrested in Malabo, including teachers of the Rey Malabo National Institute of Secondary Education, and released about 10 days later. According to reports, most of them were repeatedly beaten on the head, back, genital organs and the soles of their feet. For example, Celestino Bacale, a member of the Convergence for Social Democracy, sustained serious injuries to the kidney area and broken teeth, and Arsenio Moro several broken ribs and a pierced tympanum.

Urgent appeals

232. The Special Rapporteur made urgent appeals on behalf of the persons referred to in the following paragraphs, with regard to whom fears were expressed that they might be subjected to torture while in detention. The dates on which the appeals were transmitted appear in brackets at the end of the corresponding summaries.

233. Twenty-one persons were arrested in Malabo at the end of August 1993 at the time of the return from exile of the leader of the Unión Popular party. It was alleged that the detainees were taken to the barracks of the former Moroccan Guard, where they were doused with petrol and left in the sun for several hours. One of the detainees, who was later released, allegedly suffered a severe beating which caused ear, leg and thigh injuries and left him with great difficulty in walking. It was also reported that one member of the Unión Popular, Pedro Motu, was detained on 22 August and died a few days later in Black Beach prison as a result of injuries caused by torture. (31 August 1993)

234. Francisco Engono Micué, a 51-year-old civil servant from the municipality of Bata and his cousin José Ramón Obama, were allegedly detained on 31 August 1993 in Bata by members of the security police and beaten on the way to the police station. (3 September 1993)

235. Tobías Obiang Nguema, a former army lieutenant, was allegedly detained on 3 September 1993 in Ebebiyín in north-west Río Muni province. It was reported that he was later transferred to Malabo, where he was interrogated at the military barracks situated in the vicinity of the President's palace, and that during interrogation he was severely tortured to force him to sign a confession concerning his involvement in an attempt to overthrow the present Government. (14 September 1993)

Ethiopia

Urgent appeals

236. On 21 October 1993 the Special Rapporteur sent an urgent appeal to the Government regarding the following staff of the regional office of the Oromo Relief Association (ORA) in Dire Dawa, eastern Ethiopia: Ahmed Mohamed,

Abbas Said, Sharif Mohamed, Usman Umar, Ali Haider, Abdulaziz Abdullah, Mohamed Ahmed, Ammw Hamid, Mohamed Abdu, Mussa Ibrahim, Raya Abdi, Hamid Abdullahi, Galaye Tufe, Tajudin Abdullah and Mohamed Izzedin. According to the reports, they were arrested by members of the security forces between 26 September and 2 October 1993, apparently under suspicion of links with the Oromo Liberation Front (OLF). They were believed to be held at the Hurso "re-education camp" near Dire Dawa, a former military training camp used since late 1991 as a detention centre for alleged OLF members. Fears were expressed that they might be subjected to torture.

Guatemala

Information transmitted to the Government and replies received

237. By letter dated 26 August 1993 the Special Rapporteur transmitted to the Government the following cases of torture that had allegedly occurred in the country:

(a) Pablo Itzep Hernández, Cruz Luz Hernández and Manuel Batén Hernández, peasants from the community of Xequiquel, Chiul, municipality of Cunén, department of El Quiché, and members of the "Runujel Junam" Council of Ethnic Communities (CERJ) were summoned to the military detachment of Chiul on 8 May 1993. Upon arrival at the detachment they were reportedly subjected to interrogation under torture for four hours. Among other forms of torture they were reportedly kicked in the face and poked with pieces of burning wood. As a result of their injuries they had to be hospitalized after their release.

(b) Santiago Cabrera López and Anastasia López Calvo, alleged members of the National Revolutionary Unit of Guatemala, were arrested by members of the G-2 Military Intelligence Service in March 1991 near Colima I, San Pablo, department of San Marcos. They were taken to the military detachment of El Porvenir, San Pablo, where they were reportedly beaten severely. Cabrera López was reportedly thrown into a pit and subjected to electric shocks.

(c) Julio César Reyes, a street child, was arrested on 14 March 1993 in zone 1, Guatemala City, by two policemen who asked for his identity documents. As he was unable to produce them, the policemen tried to take him to the police station, and Julio Cézar Reyes resisted their attempts. One of the policemen reportedly burned him on the left arm and fingers, producing a total of 29 burns.

(d) Sergio Fernando Archila, student, was arrested on 3 August 1992 on 6th Avenue, Guatemala City, by agents of the G-2 Military Intelligence Service who blindfolded him and took him to an unidentified military detention centre located near Cobán, Alta Verapaz. While under interrogation he was reportedly burned with cigarettes, his head was covered with a hood soaked in insecticide and he was punched in the stomach.

238. By the same letter the Special Rapporteur thanked the Government for the reply provided on the case of Juan Pablo Lemus Silva (still under investigation), transmitted in August 1992 and reminded it of a number of cases brought to its attention in 1992 regarding which no reply had been received.

Urgent appeals

239. The Special Rapporteur sent an urgent appeal to the Government on 22 July 1993 concerning Tomás Pérez Pérez, a member of the Peasants' Unity Committee, who was allegedly detained on 9 July 1993 in Chontalá, Santo Tomás de Chichicastenango municipality, El Quiché department, by members of the national police together with armed men in plain clothes. According to the information received, Tomás Pérez Pérez was severely beaten during interrogation to obtain information on a number of brochures found in his house concerning Rigoberta Menchú, and the purpose of the exhumation, in 1991, of the bodies of 27 Indians buried in clandestine graves in Chontalá.

Information submitted by the Government in connection with Commission resolution 1993/48

240. In a note verbale dated 19 November 1993 the Government stated that the internal armed conflict had caused, over the years, thousands of deaths, disappearances, refugees and displaced persons, as well as unjustified destruction of basic infrastructure and diversion of resources. It also stated that the guerrilla groups operating in the country had committed grave human rights violations in breach of domestic law and the international covenants, as well as a number of aggressions against the civilian population not participating in the conflict. The Government also referred to a number of measures taken to combat drug trafficking. It pointed out, however, that the activities carried out by drug traffickers could not be considered as terrorism, since they were not aimed systematically against the State.

Haiti

Information transmitted to the de facto Government

241. By letter dated 8 November 1993 the Special Rapporteur informed the de facto Government that he had received reports of torture and ill-treatment of civilians by the military, chefs de section and civilians working with them. Severe beatings were said to be practically automatic when an arrest took place and were daily occurrences in detention centres run by the military or the police. Beatings are also reported in the streets, either during demonstrations or when the security forces made incursions into a particular neighbourhood in Port-au-Prince or in the main cities. In these cases even women and children were severely beaten. It was also alleged that the Port-au-Prince police went to the places where the street children slept at night, usually around the city's cemetery, and beat them so that they moved to a less conspicuous place. The individual cases referred to in the following paragraphs were also transmitted.

242. Jude Damus, was arrested on 10 September 1992 by members of the armed forces following an anti-government demonstration in Dame Marie, Anse d'Hainault, Grande-Anse department. He was initially held in Anse d'Hainault prison, where he was reportedly ill-treated on a daily basis, and later transferred to the prison in Jérémie. As a result of ill-treatment, one of his arms was broken.

243. Rigend Sévére was reported to have been severely beaten by soldiers in Verrets on 10 October 1992 as a result of which his left hand was broken.

244. Lerès Sidor was said to have been illegally arrested and severely beaten on 12 November 1992 in Desarmes by the section chief. The arrest and beating took place in the presence of three visiting Canadians and two Americans to whom he was showing a development project in his area. He was later taken to the military station where he was said to have been beaten again.

245. Philippe Pierre, was arrested on 20 November 1992 and taken to the Petit-Goave military barracks where he died as a result of severe beatings.

246. Jean Augustin, a member of a grassroots organization, was reportedly arrested in Port-au-Prince during the night of 30 November 1992 and taken to the Anti-gang Investigation Service, where he was severely beaten.

247. Maurice Damucy, a member of the National Committee of Congresses of Democratic Movements (KONAKOM), was reportedly arrested by soldiers on 8 December 1992 in Bainet, South East department, and severely beaten.

248. Dieuland Corjelas, a member of a peasants' organization near the north-western city of Jean Rabel, was arrested and severely beaten on 6 January 1993 by the local section chief of the armed forces and his assistant.

249. Raymond Amazan was arrested and beaten up on 11 January 1993 by members of the security forces in the town of Les Cayes, in South department.

250. Origene Cirias was arrested on 15 January 1993 by the section chief of Saut d'Eau on the charge of being a Lavalas supporter. Soldiers were said to have severely beaten him, ripping out his beard and burning parts of his body with matches.

251. Jean-Emile Estimable, a journalist with Radio Cacique, was arrested on 22 January 1993 in the village of Pont Joux, 3rd section of Marchand Dessalines, Artibonite department, and transferred first to the prison of Marchand Dessalines and later to St. Marc prison. He was said to have been severely beaten, in particular by means of the "calotte marassa", a simultaneous slap on both ears, usually given by someone standing behind.

252. Ernst Jeudi was arrested on 7 February 1993 by an armed corporal in front of the Grande Desdunes church and taken to the Desdunes barracks. He was said to have been subjected to the "Jack" torture method, in which the victim is beaten up while having a stick placed under his thighs and above his arms.

253. Monsignor Willy Romélus, the Roman Catholic bishop of Jérémie, was reportedly attacked and beaten by a group of armed civilians after celebrating mass in the cathedral of Port-au-Prince. According to witnesses, members of the security forces stood by as the bishop was knocked to the ground, repeatedly punched in the face and kicked.

254. Jean-Luc Antoine was reportedly beaten to death in early March 1992 by the military in Bainet, South-West department, after he was arrested by a corporal for walking in the streets while drunk.

255. Patrick Bourdeaux, a member of a grassroots organization, was reportedly arrested and badly beaten by members of the armed forces on 1 March 1993 in Jérémie, department of Grande-Anse.

256. Cajuste Lexius, Secretary-General of the Centrale Générale de Travailleurs (CGT), General Workers' Union; Phabonor St. Vil and Saveur Aurélus, members of CGT, were reportedly arrested by uniformed members of the police belonging to the 3rd Company, in front of the Radio Caraïbe office in Port-au-Prince on 23 April 1993. While in custody they were severely beaten with batons on all parts of the body and kicked. As a result, Cajuste Lexius was reported to have been unconscious for two days, to have his buttocks covered in open sores and to have suffered kidney failure.

257. The Special Rapporteur was also informed that on 3 March 1993 a group of armed gunmen believed to be linked to government forces ransacked the house of Saint-Jean Servil, a United States resident, located at Avenue Pouplard, Port-au-Prince. The assailants beat his 73-year-old mother and beat and raped his wife.

258. In addition to the above-mentioned cases, the Special Rapporteur received a list containing the following names of persons alleged to have been tortured after their arrest between June 1992 and January 1993: Franckel Augustin, Waldeck Augustin, Serges Belval, Luc Bienaimé, Herlod Bourcicault, Wilfrid Bruno, Julien Cadet, Pierronvil Calixte, Clemard Canadien, Bona Charles, Roger Charles, Jean Chery, Georgette Dantes (a pregnant woman), Arnold Dehoux, Franckel Delva, Daniel Demesmin, Jean Ernso Divers, Gabriel Dolce, Etienne Dorelus, Jean Denis Ducanord, Pomise Duverseau, (a 63-year-old woman), Aldrine Duvivier, Jacques Eddy, Clerma Edmond, Mathurin Elusma, Jackson Etienne, Guerda Exenor, Lucien Fils Aimé, Germene Garconvil, Orilaire Guerrier, Volvick Guerrier, Monfiance Herard, Nelio Jabrun, Josue Jean Herard, Dutemps Jean Louis, Luciani Jean, Louisjean Joanis, Euclide Josassin, Stephen Joseph, Judith Lacouture, Janise Laroche, Francois Louis, Carlot Louis, Neder Marcelin, Altide Mathieu Louisdor, Jacob Michard, James Michel, Baptista Milot, Pierre Mixo, François Mondesir, Lucenie Myrthil, Titet Nenet,Abner Nicolas, Elvie Payoute, Denis Philippe, Charles Pierre, Jaccilia Pierre, Philippe Pierre, Auguste Porcelay, Nicolas Raymond, Fresnel Regis, Jean Baptiste Samson, Luckner Simeus,Patrick Somezil, Celiane St. Fleur, Jeancilia St. Hilaire, Pierre St. Louis, Selondieu Sylvestre, Christian Theodore, Maurice Theodore, Jean Thomas, Lepe Ti, Thony Pierre Vixamar, Huguens Voltaire and Voltaire Remy.

Urgent appeals

259. On 6 December 1993 the Special Rapporteur sent an urgent appeal to the de facto Government on behalf of Sergot Metazer, Djobit Cius and Bertrand Dorismon, inhabitants of the Raboteau shanty town, Gonaïves, Artibonite department, who were arrested on 20 November 1993 in Port-au-Prince by soldiers. They were allegedly beaten on arrest and taken to the prison in Gonaïves. Also on that date, Chatte Metayer and Anvi Charitable were arrested in Raboteau and allegedly tortured by the djak method.

Observations

260. The Special Rapporteur shares the concern reflected in the interim report to the General Assembly of the Special Rapporteur on the situation of human rights in Haiti that torture and ill-treatment by the military police and civilians working with them continue to be widespread and systematic in Haiti (A/48/561, paras. 68-77).

India

Information transmitted to the Government and replies received

261. By letter dated 9 August 1993 the Special Rapporteur informed the Government of reports he had received indicating that criminal suspects, as well as persons detained for political reasons, are routinely tortured in police stations in order to extract confessions or information and that many detainees have died as a result. Methods of torture include: pulling the victims legs far apart so as to cause great pain and internal pelvic injury; rotating a heavy wooden or metal roller over the victim's thighs; electric shock, applied to victims genitals, head, ears and legs; prolonged beatings with canes and leather straps; tying the victim's hands behind the back and suspending him or her from the ceiling by the legs; rape, threats of rape or molestation; deprivation of food and drink; keeping the person naked in the cold and in the burning hot sun in the summer.

262. Information was also received according to which rape by the police is common throughout the country. The victims are generally poor women and those from vulnerable low-caste and minority groups who are taken into custody as suspects, or as hostages for relatives wanted in criminal or political cases or in order to extort payment to secure their release. Rape was also reported to take place during counter-insurgency operations in areas of conflict.

263. The cases described in the following paragraphs were transmitted to the Government.

264. Ganeshan, publisher and printer of the Tamil weekly newspaper Nakkeeran, was arrested by Tamil Nadu police on 10 April 1992 after that newspaper published an editorial critical of the Tamil Nadu Chief Minister's treatment of the press. After his release on bail on 20 April, he reportedly collapsed in the Nakkeeran office while telling his colleagues how he had been tortured by police. He was rushed to a private hospital where he died.

265. On 3 December 1993 the Government replied that this person had been arrested in connection with the publication of an article in Nakkeeran containing scurrilous, seditious, obscene and defamatory remarks. He was immediately produced before the Additional Chief Metropolitan Magistrate who remanded him to judicial custody. A bail application was also moved which was posted for hearing on 16 April 1992, and to which the Magistrate recorded "No complaints of torture or ill-treatment". No such complaint or plea for medical treatment was made by his counsel even during hearing on the bail application on 16 April 1992, which was dismissed. On 20 April 1992 bail was granted by the Principal Sessions Court, Madras. On being released, R. Ganesan was garlanded by the editor and staff of Nakkeeran near the central prison, Madras. A photograph of this event appeared in the Nakkeeran issue of 30 April 1992, which made no mention of any torture or ill-treatment. The weekly had, however, mentioned that Ganesan was suffering from heart ailment and hypertension. He was admitted to Devaki hospital, on 26 April 1992. Even the medical report did not reveal any signs or evidence of his having been tortured.

266. Nandagopal, a university employee belonging to the Scheduled Caste community, was arrested on 29 May 1992, reportedly in connection with a theft, and detained for interrogation. He died in custody in Annamalainagar police station, Chidambaram, South Arcot district, Tamil Nadu, on 3 June 1992, allegedly as a result of four days of torture. A post-mortem examination reportedly revealed 21 marks of injury to the body. Padmini, his second wife, was also arrested on 29 May and taken to the same police station. She was reportedly raped in her husband's presence by four police constables.

267. Vidyadharan, president of a Congress Party "reformist" group in Karthikapally Panchayat, Haripad Taluk, Alappuzha district, Kerala, was arrested by the police on 18 February 1993 in Haripad. He was reportedly tortured in police custody and then rushed to Haripad government hospital, where he was declared dead on arrival.

268. On 3 December 1993 the Government informed the Special Rapporteur that during Vidyadharan's detention at Haripad it was noticed that he had tried to hang himself. The following day it was noticed that he was lying motionless and was immediately removed to Haripad hospital where he was declared dead. A criminal case had been registered and the investigation was being carried out by the Inspector General of Police.

269. Satyavan, from Jharoda Kalan village, died, allegedly of torture, in Najafgarh police station in Delhi on 2 March 1993. His friends Balraj, alias Billoo, and Ishwar Singh, who were arrested with him, reported that they had all been beaten in the police station until Satyavan collapsed.

270. Rajinder Prasad, a worker at the India Safe Factory in Mayapuri industrial area, died on 11 April 1993, allegedly after being tortured by police and strongmen of the factory management. According to the reports, two policemen were suspended from duty and an inquest was held by a sub-divisional magistrate. However, no full inquiry by an independent authority was known to have been held and no further action was known to have been taken against the officials allegedly responsible for his death.

271. On 3 December 1993 the Government replied that on 11 April 1993 Rajinder Prasad and two others has reportedly been crossing the railway track when he was accidentally run over by a train. The investigation conducted by the Railway Police had indicated that the death was accidental. Subsequent to the death a complaint had been filed by one of the factory workers to the effect that they had been beaten by the factory owner. A case had been registered on this basis and the owner and others arrested. The case was still under investigation.

272. The Special Rapporteur also received information according to which there has been a pattern of human rights violations committed by members of the security forces in the course of their operations in Jammu and Kashmir. These include reports of brutal torture and rape by members of the security forces, often in retaliation for attacks by Kashmiri militant groups on them. Torture is reportedly used as a means of extracting information from detainees, coercing confessions or punishing persons believed sympathetic to the guerrilla forces. Every government force operating in Kashmir, including the Indian Army and India's federal paramilitary forces, the Central Reserve Police Force (CRPF) and the Border Security Force (BSF), has its own interrogation centres in Kashmir. Detainees are reportedly first interrogated by the detaining security force for periods of time which may range from several hours to several weeks. During this time the detainee is not produced before a court or given access to anyone outside the interrogation centre.

273. It was also reported that security personnel routinely ignore procedural safeguards when taking persons into custody. Although Indian law requires that everyone taken into custody must be produced before a magistrate within 24 hours, in fact detainees are rarely produced at all. Prohibitions and safeguards against torture in the Indian Penal Code and the Code of Criminal Procedure, which prohibit the use of coerced confessions and prescribe inquiries into deaths in custody and prison terms for officers guilty of torture, are also routinely disregarded. Security personnel responsible for torture in Kashmir have reportedly never been held criminally liable for their actions.

274. It was further reported that the use of rape is common in Kashmir as a weapon against women suspected of being sympathetic to or related to alleged militants; or as a form of retaliation against civilians believed to be sympathetic to the militants. The authorities have rarely investigated charges of rape by security forces and those which were investigated did not result in criminal prosecutions. Incidents of this kind have been reported, for example, in Chak Saidapora, near Shopian, district Pulwama; Haran, near Srinagar; and Gurihakhar, Handwara district. The individual cases referred to in the following paragraphs were transmitted to the Government.

275. Muzaffar Ahmed Mirza was arrested on 4 October 1991 in Tral, a village about four kilometres south of Srinagar. He was allegedly beaten and given electric shocks to the genitals. After that, an iron rod was inserted into his rectum and pushed through to his chest. He was found by the side of a road and taken to the Medical College hospital the next day in severe pain. The next day he underwent chest surgery which revealed a large laceration of the diaphragm and left lung. Within two or three weeks, he died of subsequent internal infection.

276. Manzoor Ahmed Ganai, a resident of Wakoora district, Gahderbal, Jammu and Kashmir, was reportedly arrested on 7 January 1993 along with 14 other persons by soldiers from the army 10th Bihar regiment, during a search operation in his village. He was reportedly tortured for 10 days with electric shocks, beaten with sticks and guns and trampled on by soldiers. He was then alleged to have been hung upside down for some 24 hours until he lost consciousness and had the back of his thighs burned with paraffin.

277. On 3 December 1993 the Government informed the Special Rapporteur that Manzoor A. Ganai had been released after questioning and returned to his family on 22 January 1992. On 14 February 1992 he died in hospital. A medical examination had revealed that death was due to renal failure. A complaint had been filed on 28 May 1993 by his father and an investigation was being conducted.

278. Nazeera Jan, was gang raped on 25 May 1993 at her domicile, in front of her children, by soldiers of the Rajput Rifles stationed at Zainakote industrial area situated on the outskirts of Srinagar.

279. Masroof Sultan, a college student from Batamaloo, was taken into custody by the paramilitary Border Security Force (BSF) on 8 April 1993. He was reportedly beaten by four soldiers, blindfolded and, along with three other young men, taken to a building where four BSF agents tried to force him to admit he was a militant. When he refused he was reportedly hung from a pole by his knees and beaten until his leg was broken. He was subsequently transferred to Papa II, an interrogation centre near Srinagar where he was allegedly given electric shocks. He was finally shot at several times, but survived his injuries.

280. A similar situation seems to prevail in Punjab, where special legislation (Terrorist and Disruptive Activities Prevention Act, TADA) allegedly grants the security forces arbitrary powers to arrest and detain people without ordinary legal safeguards and without charge or trial. Prisoners are held in illegal, unacknowledged detention for weeks and sometimes months, without being brought before a judge. In addition to this, the law provides that confessions made before an officer above the rank of superintendent of police are admissible as evidence. According to the reports, these circumstances facilitate the occurrence of torture, which is alleged to be practised systematically in police stations, in prisons and in the detention camps used by the paramilitary forces. The individual cases described in the following paragraphs were transmitted to the Government.

281. Gurmit Kaur, from Bham village (Batala), was arrested on 21 April 1989 by police officers of the Kathu Nangal police station, who questioned her about her father's links with opposition groups. While in police custody, she was reportedly beaten up, hung upside down and gang-raped. She was released without any charges three days later and had to be taken to Dhaliwal hospital.

282. Gurbir Singh, from Ghungrana village in Ludhiana district, was arrested at the end of 1991 and taken into custody by the Ludhiana police who allegedly subjected him to severe beating. After his release from prison he had to stay in hospital for several weeks.

283. Harjinder Kaur, wife of Hardeep Singh of Latala village, was reportedly beaten on 11 August 1992 by members of the police who searched her house. Hardeep Singh, her husband, Nasib Kaur, her sister and Amarjeet Singh, her brother-in-law, were also reported to have been severely beaten before being taken away to Sudhar police station. As a result of the injuries sustained Harjinder Kaur died that evening in Kundan Lal hospital.

284. On 3 December 1993 the Government replied that on receipt of definite information that Hardeep Singh was harbouring hardcore terrorists, his house had been raided and a case registered. Regarding the death of Harjinder Kaur, it was reiterated by the State government that she was hit by a buffalo in her own compound. She was rushed to a nearby hospital where she succumbed to her injuries. As it was a case of unnatural death, inquest proceedings under section 174 of the Criminal Penal Code were conducted. A statement made by the elders of Village Latala categorically stated that Harjinder Kaur died due to injuries received from a buffalo in her house. The post-mortem report conducted by a team of doctors of the Ludhiana civil hospital concluded that death was due to haemorrhage and shock as a result of extensive injuries caused by the buffalo.

285. Bhai Gurdev Sikh, a Sikh religious preacher, was arrested on 25 December 1992 by members of the Jagraon police. He died several days later, reportedly as a result of torture.

286. Bishambar, was arrested on 6 October 1992 at Nikhri village, state of Haryana, by members of the police who allegedly whipped him with a strap made from tyre rubber, beat him and, while he was unconscious, castrated him.

287. Vikal Kumar Adhana, an assistant in the Ministry of Finance from Tigaon, Faridabad, Haryana, was arrested from the Rajdeep Hotel in the afternoon of 23 February 1993 by the Central Bureau of Investigation (CBI) on suspicion of impersonation and demanding a bribe. He was first interrogated in the CBI office and later in the evening was taken to the Lodhi Colony police station. The police apparently made no entry in the daily diary of Vikal Kumar's arrest. He was found dead in the lock-up the following morning. Although, the police claimed that he hanged himself, the "death report" listed several injuries on his body indicative of torture.

Urgent appeals

288. The Special Rapporteur transmitted to the Government four urgent appeals on behalf of the following persons, regarding whom fears were expressed that they might be subjected to torture while in detention. The date on which the appeals were sent is mentioned in brackets at the end of the corresponding summary.

289. Mohinder Singh Grewal, a lawyer, Secretary-General of the International Human Rights Organisation (IHRO) in Ludhiana, Punjab, was reportedly called for interrogation on 23 and 24 March 1993 at the premises of the Criminal Investigation Agency in Ludhiana. A senior officer of the Punjab police allegedly subjected Mr. Grewal to ill-treatment and threatened him with severe torture or murder if he continued making reports on alleged human rights abuses by the police. (5 April 1993)

290. With respect to this case the Government stated that members of the Delhi police had gone to Ludhiana to investigate the kidnapping of a Delhi businessman. Mohinder Singh Grewal had been called to the Office of the Inspector (CIA), Ludhiana, for questioning, since the Delhi police had information that the kidnappers had used his telephone. It was categorically denied that Mohinder Singh Grewal had been ill-treated, either by the Superintendent of Police (Detective), Ludhiana, or by anyone else. It was also denied that his diary had been either seized or confiscated or that he had been forced to reveal his personal telephone numbers.

291. The family of Rupesh Singh, an 18-year-old student who allegedly died as a result of torture inflicted in May 1992 at the Durgapur police station, West Bengal, reportedly fled to Gurgaon in Haryana after the police threatened them with dire consequences for filing a complaint. However, Rupesh Singh's mother and sister, Seema Raghavan and Kanta Devi, returned in November 1992. In January 1993 a civil rights organization filed a case at the Calcutta High Court and Seema Raghavan and Kanta Devi took part in this. Subsequently the police allegedly came to their house and abused and threatened them again. (8 April 1993)

292. Gurjit Singh was reportedly arrested by five plainclothed policemen on 8 May 1993 at Mohi village in Ludhiana, Punjab. On 11 May police authorities unofficially admitted that Gurjit Singh was in their custody. Access to family and lawyers was denied. (17 May 1993)

293. Nazir Ahmed Misri, a school teacher, was allegedly taken into custody on 7 June 1993 during a military operation by the Border Security Forces in the area of Zero Bridge, Srinagar. Fears were expressed that he might be subjected to torture or ill-treatment while in detention. (25 June 1993)

Information received from the Government with regard to cases included in previous reports

294. The Government forwarded information on a number of cases of alleged death under torture transmitted by the Special Rapporteur in August 1992. A summary is given in the following paragraphs.

295. Jairam Singh, died at Patel Nagar police station on 18 August 1991. On 10 December 1992 the Government informed the Special Rapporteur that four policemen had been arrested and placed under suspension for having exceeded their authority and inflicted physical torture. The case was pending trial in the Court of Additional and District Sessions Judge, Delhi. A departmental inquiry had been ordered with regard to an inspector present at the police station premises when the interrogation of Jai Ram Singh took place, and he had been transferred to a non-sensitive place.

296. Uppuleti Chandraiah, from Peechupalli, Karimnagar district, died in March 1991 at the Husnabad police station. On 11 December 1992 the Government informed the Special Rapporteur that an inquiry had been conducted by the District and Sessions Judge who concluded that Uppuleti Chandraiah had been unlawfully detained in the police station and was beaten with a Lathi (stick), resulting in multiple injuries which caused his death. He had not committed suicide by hanging himself with a piece of cloth in the police lock-up room.

One police officer was held directly responsible for causing death and five other assisted him in causing the death of the deceased. The medical officer who conducted the post-mortem examination was also held responsible for wantonly and deliberately issuing a false post-mortem examination certificate to save the police personnel. The findings of the Commission were accepted by the state government and one police officer was suspended. The doctor who conducted the post-mortem examination was also suspended and departmental action was taken against him. The case is at present under investigation.

297. Kuttappam of Neyyattinkara, Trivandrum, was arrested on 3 July 1991 by Parassala police, Trivandrum and died the day after. On 14 December 1992 the Government informed the Special Rapporteur that Kuttappam had been found lurking inside a coconut garden at Alampara on the night of 9 July 1991 and was detained by the watchman who informed the police of Parassala police station. After inquiries revealed that Kuttappam was a lunatic, he was released at 10.30 a.m. and died at 19.00 hours on 10 July 1991. A criminal case was registered and investigations were conducted by the State Criminal Branch on 17 July 1991 which disclosed that the watchman and two others jointly assaulted Kuttappam causing grievous injuries to his spleen prior to the arrival of the Parassala police. After completion of the investigations, a charge was filed on 19 March 1992 before the court of law and the case is subjudice.

298. Bulbul Bare, from Puli Nahoroni village, Kherajghat, Maza Lakhimpur, was arrested on 12 October 1991 by the army in Bandardawa village and died on 22 October. On 21 December 1992 the Government informed the Special Rapporteur that Bulbul Bare was a member of the United Liberation Front of Assam (ULFA), a terrorist organization. He was questioned in connection with his activities in the ULFA by security forces on 14 October 1991, but released on 15 October 1991 and returned to his uncle's house. He made no complaint of torture. He died in his uncle's house on 20 October 1991. On the basis of a post-mortem report a police case was nevertheless registered and investigations are in progress.

299. Dibakar Handique, from Basapukhuri, Dholpur Maiza, Narayanpur, North Lakhimpur, was arrested on 28 September 1991 and died on 1 October in an army camp. On 21 December 1992 the Government informed the Special Rapporteur that he had died in security force custody as the result of illness. To clarify the circumstances of his death, a magisterial inquiry had been instituted and was in progress.

300. Dhruvajyoti Gogoi was arrested on 17 March 1991 at Doomdooma, Tinsukia, by the army. Two days later his body, bearing marks of torture, was handed over to the police. On 22 December 1992 the Government informed the Special Rapporteur that Dhruvajyoti Gogoi, a ULFA terrorist, was apprehended on 18 March 1991 from Naharani village by security forces conducting anti-terrorist operations. A large quantity of weapons, ammunition and money were recovered from his possession and from caches revealed by him. He died on 19 March 1991 while under arrest. The likely cause of death was head injuries sustained by the individual during a scuffle preceding his apprehension. A judgement was subsequently passed by the Guwahati High Court on 18 June 1991 wherein the court ordered an ex gratia payment of an amount of money to the parents of Mr. Dhruvajyoti Gogoi.

301. Gambhir Gogoi, from Nagajan, Duliajan, Dibrugarh district, was arrested by the army at the end of November 1990. A few days later his body, bearing marks of torture, was handed over to the police. On 23 December 1992 the Government informed the Special Rapporteur that Gambhir Gogoi had been detained for questioning on suspicion of involvement in ULFA terrorist activities. He admitted that he was working for ULFA under threat and volunteered to assist the Army and to guide the security forces to "Saraipung Forest" where ULFA had a major camp. Near the camp a heavy exchange of fire took place between the army and ULFA militants. ULFA militants also exploded many improvised explosive devices. In one such blast, Mr. Gambhir Gogoi and two security personnel protecting him sustained serious injuries. Mr. Gogoi was promptly evacuated and given medical attention but he died as a result of his injuries. A post-mortem was conducted which confirmed the cause of death.

302. Savinder Singh, a resident of South Delhi, was arrested on 28 February 1992 and taken to the Directorate of Enforcement of the Ministry of Finance at Loknayak Bhavan, near Khan Market. The day after, his body was found in the Lok Nayak Bhavan Complex. On 24 December 1992 the Government informed the Special Rapporteur that an investigation had been conducted and serious lapses on the part of the officials concerned were found. Action against two officers of the Directorate of Enforcement had been recommended. Meanwhile, the Supreme Court of India had issued orders that the Additional District and Sessions Judge, Delhi, conduct the investigation and submit a report direct to the Supreme Court. The matter was at present subjudice.

303. Ram Singh, Sarpanch of Arra Koder village, died in early April 1992 at the Bohandiguda police station. On 28 December 1992 the Government informed the Special Rapporteur that on 9 April 1992, Mr. Ram Singh had died in his village and his body had been cremated by relatives without informing the police or the district officials being informed. Later on, it was alleged that Ram Singh had died as a result of mistreatment by police officers. As the body of the deceased had been cremated no post-mortem or inquest could be conducted; however, it was found prima facie to be a case of misbehaviour by police personnel of Kodehar police station. Consequently, a sub-inspector was suspended on 14 April 1992. A magisterial inquiry, currently taking place, was ordered separately on 21 April 1992.

304. Muthusamy from Oddanchathram, Dindigul district, was arrested at the beginning of 1992 by the Oddanchathram police in connection with a theft. Subsequently, his mother, sister and father were also arrested. According to the reports, they were all beaten and, as a result, Muthusamy died. On 29 December 1992 the Government informed the Special Rapporteur that Mr. Chinnan, alias Muthan or Muthusamy, had been arrested in a criminal case registered at Ambilikai police station. On 8 January 1992 he developed chest pain and giddiness. He was taken immediately to the local hospital from where he was taken to the government hospital, where he was declared dead. An enquiry was conducted, and the state government issued orders on 11 May 1992 to initiate departmental action against five police personnel for negligence of duties. The necessary follow-up action was being taken.

General information provided by the Government

305. On 9 December 1993 the Government provided the Special Rapporteur with information in reply to the general allegations contained in his letter of 9 August 1993. According to the Government, the allegations that security personnel routinely ignore procedural safeguards, that victims are rarely produced before a magistrate, that prohibition and safeguards in the Indian Penal Code and the Code of Criminal Procedure are routinely disregarded, and that the security personnel have never been held criminally liable for such acts do not conform to the facts.

306. In consonance with constitutional provisions, the legal codes concerning the administration of justice contain elaborate provisions to safeguard the basic human rights to life and liberty and due process of law. Numerous other laws and regulatory provisions are directly aimed at protecting citizens against human rights violations.

307. Complaints against security personnel are investigated and action is invariably taken against those found guilty. Even the various special laws that have been enacted to combat terrorism ensure that no provisions guarantee any form of impunity to the law enforcement and security forces against prosecution or other disciplinary proceedings for any acts committed in the exercise of powers conferred by those laws.

308. In the State of Jammu and Kashmir alone, during the ongoing phase of terrorism and insurgency, action has been taken against 170 officers and men of the army and security forces, which includes rigorous imprisonment and confinement, dismissal from service, suspensions pending inquiry and other forms of departmental punishment, which could have long-term implications on the career prospects of the concerned personnel.

309. In addition to the constitutional and legal safeguards, the judiciary has acted zealously to protect these rights. The actions of the State in maintaining law and order are subject to judicial review. Even the findings of courts martial and other inquiries can be challenged by affected persons and are liable to scrutiny in a civil court. A magisterial inquiry is mandatory for deaths in custody, in addition to an inquiry by a police officer.

310. Judicial proceedings at all levels are open to the public, and are routinely analysed in the media. No issue of consequence goes unaired, owing to the vigilance of the press. In addition, rules of locus standi are much wider and considerably more liberal in India than in most other countries and give full latitude to voluntary, non-governmental organizations to espouse the cause of human rights in courts of law.

311. With regard to Punjab, and Jammu and Kashmir, India faces a situation of terrorism of unparalleled ferocity. In this environment, the normal criminal laws of the land and the systems by which they are operated have been rendered ineffective and inadequate. In order to protect the human rights of the population, special legislation had to be enacted. Of these, TADA (Terrorist and Disruptive Activities (Prevention) Act) is temporary legislation, subject to Parliamentary review every two years, and the Armed Forces (Special Powers)

Act extends only to areas which may, for the time being, be declared "disturbed" areas. In all such special legislation scrupulous care has been taken to protect the rights of the individual under due process of law. Habeas corpus is available to all under the Indian judicial system in all circumstances. Under TADA, detainees are required to be produced before a magistrate within 24 hours. If detention is confirmed, the detainee always remains under judicial custody through the order of a competent court.

312. There is an express provision in section 20 (3) of the Act by which the provisions of the Code of Criminal Procedure concerning the duty to produce a person arrested before a magistrate within 24 hours have been applied to persons arrested under this Act. Further, detainees have the full right under the existing laws to have contact with their lawyers and there are no restrictions whatsoever on legal aid and assistance. The members of the family are also informed and, in fact, visit them regularly while in judicial custody.

313. The Special Rapporteur had expressed concern that that legislation provided for a confession made before an officer above the rank of superintendent of police to be admissible as evidence and that such circumstances facilitated the occurrence of torture, which was alleged to be practised systematically in police stations, in prisons and in the detention camps used by the paramilitary forces. Section 15 of TADA had been provided to ensure that only very senior officers, not below the rank of superintendent of police, who headed a police district and had completed at least one third of his professional career, had been given this authority. By virtue of their position, it could be reasonably assumed that they would act in a fair, judicious and unbiased manner. More importantly, evidence based on any such confession was rebuttable by virtue of the provisions of section 15 (2) of TADA, which cast on the police officers the responsibility of certifying that they had explained to the person concerned that he was not bound to make a confession, and that such confession could be used against him, and that the confession had been recorded by them and read out to the person making it. It was also provided that every confession so recorded should be sent forthwith to the Chief Judicial Magistrate, who should then forward the recorded confession to the designated court.

314. The reference to the vulnerability of women to rape while under detention was unfounded and did not conform to the facts. Specific and clear-cut provisions had been made in the Indian Penal Code defining the offence of rape in custody and introducing a presumption against the accused. Custodial rape, if proved, could carry a life sentence. Deterrent punishment was provided for violation of these laws, particularly for those who were appointed in trust to protect such rights.

315. The Government also provided the Special Rapporteur, on 28 October 1993, with information about the newly established National Human Rights Commission. The Commission has among its functions to inquire suo moto or on petition into complaints of violation of human rights; in this context, it may recommend initiation of proceedings for prosecution or such other action as it may deem fit against the concerned person or persons, and inter alia also recommend to the concerned authorities the granting of immediate interim relief to the victim or his family members.

Observations

316. The Special Rapporteur recognizes that India's tradition of respect for the rule of law means that serious cases of torture, in particular those resulting in death, may lead to disciplinary action and in some cases to criminal proceedings. He would be grateful for further information on the results of the various investigation or criminal or disciplinary proceedings referred to in the Government's replies. As regards action taken against officers in Punjab and in Jammu and Kashmir, the Special Rapporteur would also appreciate learning which such actions were in response to acts within the Special Rapporteur's mandate. The Special Rapporteur is also sensitive to the "ferocity of the terrorism" faced by the Government of India in those territories. He understands that the Government of India is not seeking to invoke this serious problem to condone torture. The Special Rapporteur also looks forward to receiving information on the success of the new National Human Rights Commission in addressing this problem.

Indonesia

Information transmitted to the Government and replies received

317. By letter dated 26 August 1993 the Special Rapporteur advised the Government that he had received information according to which, although torture and ill-treatment are proscribed by the Constitution, the state ideology Pancasila, the Criminal Code and the Code of Criminal Procedure, it has been used routinely in Aceh by military and police authorities since mid-1989, resulting in death in a number of cases. Torture has reportedly been used against suspected supporters of the Aceh Merdeka movement, as well as their colleagues or relatives, in order to obtain information or to intimidate.

318. The methods most commonly used reportedly are: beating on the head, shins and torso with fists, lengths of wood, iron bars, bottles, rocks and electric cables; kicking with heavy military boots; burning with lighted cigarettes; electrocution; slashing with razor blades and knives; death threats, faked executions and deliberate wounding with firearms; pouring water through the nose; immersion for long periods in fetid water; suspension upside down by the feet; placing heavy objects on knees and other joints; isolation, sleep and food deprivation; mutilation of the genitals, sexual molestation and rape.

319. Incidents of torture and ill-treatment are reported to have taken place at virtually every level of the military command structure, and in dozens of security force installations. The districts most commonly cited are those of Pidie, Aceh Utara, Aceh Timur, Aceh Besar and Aceh Tengah. Sometimes detainees have also been transferred to various military and police installations in Medan, North Sumatra, where they have also been tortured. According to the reports, the fear of being returned to military custody and of facing further torture compels many of those tried for political crimes to plead guilty and offer no defence. The cases described in the following paragraphs were transmitted to the Government.

320. Nasrun Majid was arrested in June 1990 when a group of about 40 soldiers came to his family's house in Alue Nirih, Peureulak, in search of his elder brother, a suspected Aceh Merdeka activist. He was held for 11 days at the Aceh Utara District Military Command in Lhokseumawe, during which time he was reportedly beaten on the shins and head with a wooden club while being questioned about the whereabouts of his brother.

321. Ishak bin Ismael, a village head, was arrested by security forces in 1992 and taken to the police station at Baktia, where he was tortured to death. According to reports, police placed a large wooden beam across the back of his neck and then stood or jumped on it until he was dead.

322. Ismail bin Gani, a civil servant at the office of the Regent of Pidie, was arrested by military authorities in March 1992 in the village of Paloh. He was reportedly held incommunicado at the Kopassus headquarters in Rancong for two months, during which time he was repeatedly beaten. When his wife was allowed to visit him in May 1992 his arms and legs were broken and he had to be carried by soldiers.

323. Information was also received indicating that in April 1992 at least a dozen people of the village of Tjot Kruet, Pase, were beaten by soldiers searching for two suspected members of Aceh Merdeka. The victims, who included three elderly men, were also forced to beat members of their own families, to crawl over rough terrain and to stare into the sun for several hours.

324. Torture or ill-treatment was also reported to be routinely used against criminal suspects in other parts of the country, as in the following two cases:

(a) Sofyan Lubis, a shoe-shine boy aged 16 accused of stealing clothes, died in the Tanjung Gusta children's prison in Medan in September 1992. According to relatives and lawyers his corpse bore clear signs of torture; his stomach, chest and neck were severely bruised, two teeth were missing and blood was coming from his mouth, nose, ears and genitals.

(b) Amas Hadiansyah was arrested at the beginning of 1992 in Bandung in connection with an armed robbery. As a result of being beaten by three policemen he reportedly lost the sight in one eye.

325. The Special Rapporteur continued to receive information about the use of torture in East Timor. Military and police officials were reported to have tortured or ill-treated some of the suspected government opponents detained in November 1992 and afterwards. He was also informed of the case of Agostinho Pereira, detained in August 1992 at Dili airport by security forces who suspected that he was a member of a pro-independence group. According to the reports, he was beaten on the spot by soldiers until his face was swollen and blood came from his ears.

Urgent appeals

326. The Special Rapporteur sent three urgent appeals to the Government on behalf of the people mentioned below, regarding whom fears were expressed that they might be subjected to torture while in detention. The dates on which the appeals were transmitted appear in parentheses at the end of the corresponding summaries.

327. Rui "Los Palos", a student in Singaraja, Bali, was reportedly arrested together with two other university students in Dili on 14 May 1993 by members of the military. (27 May 1993)

328. Martinho Rodrigues Pereira, a former East Timorese prisoner, was reportedly arrested on 5 July 1993 in Djakarta by members of the military intelligence forces under suspicion of assisting politically active East Timorese living in Djakarta. It was also reported that two other persons had been arrested in the same circumstances and that they all were being held incommunicado. (27 August 1993)

329. Fausto da Silva, Gil Lemos, Julio X da Silva, Sebastiao Pedro da Silva, Cristiano Araujo, Augusto Pachao Monteiro, Tinoco, Bento Pereira, Isac da Costa, Francisco da Silva, Benjamin Madeira, Alberto Carvalho, Hermenegildo Carvalho, Tiago de Jesus, Alberto Alves, Virgilio Augusto, Tomás da Costa, Olimpio Castro, Januário de Jesus, José de Jesus, Pedro Patima, Januário alias Aleixo, Casimiro Andrade, Jovito das Dores, Rosalino Pereira, Gustavo Sarmento, Jánio Lobato, Simplicio Madeira, Antonio Baptista, Fernando Tilman, José S. Bento, Lito da Costa, Joaquim Sarmento, Aníbal Magno, Danociano dos Mártires, José Manuel, Francisco Atanásio, Octaviano dos Santos, Aleixo de Jesus Tilman, Gelito Freitas da Silva, Ambrósio da Costa Sarmento, Domingos Dontel Faria, Constáncio Manuel Alves, Narcisio Madeira Neves, Leónio María das Dores, Eufrásio G. Nieves, Atanasio P. Gaspar, Celestino Morato da Cunha and Claudio Cortinhal were, according to the reports, among a larger group of students who were arrested by Indonesian security forces in Dili, East Timor, in advance of a visit to the territory by members of the United States Congress on 1 and 2 September 1993. No indication had allegedly been given by the authorities about their place of detention despite repeated requests by the families. (13 September 1993)

330. The Special Rapporteur also made an appeal, under Commission resolution 1993/64, on behalf of Gabriella Lopes de Cruz Pinto, the wife of Constancio Pinto, an East Timorese to whom the Government's attention had been called on 29 April 1991 because of allegations received according to which he had been subjected to torture in January 1991. Mr. Pinto made a statement before the Commission on Human Rights in March 1993 and expressed his fear that by making a public statement he might be putting the lives of his wife and family, residing in Dili, in danger. According to the information received, Gabriella Lopes was arrested on 12 April and taken to a military intelligence base, Wisma Senopati II, for interrogation about her husband's activities. After being interrogated she was released, but on 13 April she was reportedly visited a number of times by military intelligence personnel and again taken away for questioning. This appeal was transmitted to the Government on 21 April 1993.

331. On 16 June 1993 the Government replied that Mr. Pinto's wife had never been arrested, detained, nor subjected to any harassment. She continued to live at her residence where she could be freely contacted, even by the foreign press. The Indonesian Government had absolutely no reason for detaining persons such as Mrs. Pinto who had not been accused of any violations of law. In April 1993 Mr. Amos Wako, the personal envoy of the Secretary-General of the United Nations, visited and talked with a number of persons in East Timor, including detainees. He conferred with them privately so that they would have an opportunity to express their views and opinions freely and without fear.

Follow-up to the recommendations included in the report on the visit to the country carried out by the Special Rapporteur in November 1991

332. On 4 September 1992 the Special Rapporteur sent a letter to the Government reminding it of the recommendations included in the report on the visit carried out to the country by his predecessor and requesting information about any steps taken to implement those recommendations. On 26 January 1993 a reply was received which pointed out to the following measures taken by the Government in the field of human rights:

(a) General

333. On 21 and 22 January 1991, in cooperation with the United Nations Centre for Human Rights, a national workshop on human rights was held at Jakarta, during which structural approaches to the intensification of national activities in the promotion and protection of human rights were outlined.

334. Among the decisions adopted at the workshop was the establishment of an inter-agency permanent committee on human rights. This committee, which was established on 22 February 1991, comprises representatives from different government agencies and departments, as well as members of important national non-governmental organizations. Three working groups were also created whose main respective tasks were to deal with: the question of Indonesia's accession to international human rights instruments; national policies on human rights, including the preparations for the establishment of a national commission on human rights; participation in international human rights conferences. To date the committee and the three working groups have conducted several meetings. Meanwhile, the Indonesian House of Representatives has established its own Commission on Human Rights.

335. Among the issues discussed at a meeting of the Permanent Committee held on 2 November 1992 was the possibility of establishing technical cooperation with the Centre for Human Rights, in particular in the areas of training, such as for law enforcement officials, judges and lawyers, the dissemination of information and other information programmes. In addition, arrangements were made for setting up a curriculum on the study of human rights at university level and the establishment of a library on human rights materials.

336. The Committee was also responsible for the preparation of the Workshop for the Asian and Pacific Region on Human Rights Issues, held at Jakarta from 26 to 28 January 1993.

(b) On specific issues

1. Development of Indonesian law

337. In the Fifth Five-Year Development Plan (REPELITA V) the development of Indonesian law is being implemented through a number of policies and measures covering the establishment of new regulations, improvement of the people's awareness of the law, law enforcement, the guidance of the judiciary, the guidance of probation institutions, legal services, the education and training of legal personnel and the establishment of administration and supervision.

338. In the framework of increasing the people's awareness of the law, direct and indirect activities concerning legal guidance, legal assistance and legal consultations, have been carried out. Activities to provide legal guidance have been executed through "Public prosecutor entering the villages" and "Judges Entering the Villages" programmes, the provision of legal guidance to urban communities, the establishment of integrated guidance posts located in the offices of local authorities and the creation of law-conscious families. In addition, to support the equal provision of legal aid, starting from the Third Five-Year Development Plan, legal aid has been provided, free of charge, for the low-income sector of the community.

339. In order to improve the effectiveness and efficiency of legal personnel, education and training activities have been improved and increased. Education and upgrading activities on the various aspects of the judiciary, such as the technical officers of the law, judges, clerks of the courts, bailiffs as well as immigration and probation officers are still being carried out. Training programmes have also been conducted and public prosecutors have attended education courses.

2. On offences committed by members of the security apparatus

340. In the case of offences committed by members of the security apparatus, the Government of Indonesia is guided by provisions of the law concerning: the prosecution of a member of the security apparatus who violates the law by a civil court or military tribunal, or the imposition of administrative sanctions; the non-validity of information obtained through torture (art. 117, Code of Criminal Procedure); remedies and compensation to the victim in accordance with sections XII and XIII of the Code of Criminal Procedure; the right of a victim to file a complaint through a legal aid foundation. Disciplinary action taken and the punishment imposed by the courts are widely published in the media.

341. With regard to the police force, a disciplinary campaign is being conducted whereby an assessment rating of "excellent", "good" or "poor" is given to each member. In the case of a poor rating, the member concerned will be put through a one-month retraining programme and given a psychological test to judge whether he is prone to violence and/or fit to be in possession of a gun. A poor retraining result might lead to discharge from the force after the person concerned has first been given the chance to resign voluntarily.

342. On 13 September 1993 the Special Rapporteur sent another letter to the Government drawing its attention inter alia to Commission on Human Rights resolution 1993/97 entitled "Situation in East Timor", in paragraph 8 of which the Commission encouraged once again the Indonesian authorities to take the necessary steps to implement the recommendations presented by the Special Rapporteur on the question of torture in the report he had submitted following his visit to Indonesia and East Timor and to keep the Special Rapporteur informed of the progress made towards their implementation. On this basis the Special Rapporteur addressed the following questions to the Government:

(a) According to the Government's letter of 26 January 1993, one of the tasks of the Inter-agency Permanent Committee on Human Rights is to study the question of Indonesia's accession to international human rights instruments. Has the Committee come to any conclusion or made a particular recommendation in this regard?

(b) Has the drafting of the new Criminal Code been completed? Does the draft text contain any provision recognizing torture as a criminal offence? If so, what penalty is provided for in respect to this offence?

(c) Have any steps been taken in order to revise or repeal the Anti-Subversion Law?

(d) Have any steps been taken to establish a system of regular visits to all places of detention, including police stations, by an independent authority?

(e) Has any authority or agency independent of the security forces and law enforcement authorities been given powers to investigate allegations of human rights violations, including torture?

(f) Have any measures been envisaged in order to ensure a greater involvement of the public prosecutors in criminal investigation?

(g) Would it be possible to obtain information about the number and identity of members of the armed forces and the police found guilty of committing or condoning torture during the last two years, together with an indication of the measures taken against them? Were they prosecuted by a military or by a civilian court?

(h) Have any measures been adopted to ensure that statements extracted under torture are not admitted as evidence in legal proceedings?

(i) Would it be possible to obtain information about decisions in which a court eventually concluded that a detainee's statement had been obtained under torture? Did the victim obtain any kind of compensation?

(j) With a view to ensuring that all detainees have access to a lawyer, have any measures been envisaged in the long or short term in order to increase the number of defence lawyers in the country?

343. In the same letter the Special Rapporteur referred to paragraph 9 of resolution 1993/97, in which the Commission urged the Government of Indonesia to invite inter alia the Special Rapporteur on the question of torture to visit East Timor and to facilitate the discharge of his mandate.

Iran (Islamic Republic of)

Information transmitted to the Government

344. By letter dated 18 November 1993 the Special Rapporteur brought to the attention of the Government the case of Ali-Akbar Ghorbani (alias Mansour Amini), a political refugee in France, who was abducted in Turkey, reportedly by agents of the Iranian Government, on 4 June 1992. His body was found in an Istanbul suburb on 29 June 1992. According to reports received, he had been severely tortured before being killed; parts of his body had been cut into pieces, he had been castrated, his finger nails had been pulled out and he had been strangled with an electrical cord.

345. The Special Rapporteur also informed the Government that he had received reports according to which torture of prisoners held for political reasons, in order to obtain information or to extract confessions remain common throughout the country. Methods include beating the prisoner with a thick cable, electric shocks, mock executions (by hanging) and burning with cigarettes. The Special Rapporteur also expressed concern about the use of corporal punishment, such as amputation and flogging, which seem to be widespread in the country.

346. By the same letter the Special Rapporteur reminded the Government of a number of cases transmitted in 1992 regarding which no reply had been received.

Urgent appeals

347. The Special Rapporteur addressed an urgent appeal to the Government on 15 November 1993 regarding Ghobad Veysi, Ali Soleimani, Jalal Mohammad-Rezaie, Abbas Feyzi and Moussa Maleki, alleged members of an illegal Kurdish political organization known as "Komala". According to the reports, they were arrested by members of the Iranian Armed Forces near Sanandaj around 21 October 1993 and were believed to be held incommunicado in this city. Fears had been expressed that they might be subjected to torture.

Iraq

Information transmitted to the Government

348. By letter dated 10 November 1993 the Special Rapporteur informed the Government that he had received reports containing the names of the following persons alleged to have died in detention as a result of torture:

(a) Ali Sa'eed Al-Derbash, from Al-Musharah, died in June 1993 at the Al-Radhwania prison;

(b) Mohammad Salih, from Al-Kahia, died in March 1993 at the Al-Radhwania prison;

(c) Jaffar Lafta Al-A'Iwai, a resident of Al-Majediah in Al-Amarah; his corpse was handed over to his family on 7 July 1993;

(d) Attisla Ahmet Nimet was among a group of nine Turkmen arrested in September 1992 by policemen and later executed. His corpse, which allegedly bore marks of torture (an eye had been extracted), was handed over to his family on 15 July 1993.

Information received from the Government with respect to cases included in previous reports

349. On 11 December 1992 the Government replied to an urgent appeal transmitted on 3 December 1992 regarding widespread arrests which allegedly took place in southern Iraq in September and October 1992, in particular in Misan province.

350. According to the Government, the allegations received by the Special Rapporteur to the effect that the Iraqi authorities had ordered the local population of the marsh region in southern Iraq to evacuate that region, were false and totally unfounded. In that connection, reference should be made to the letter of 6 August 1992 from the Minister for Foreign Affairs, addressed to the President of the Security Council, which gave full details and refuted all the allegations made in that regard. The allegations that military units had launched ground attacks and engaged in arbitrary arrests and torture in the village of al-Salem near al-Mudaina in the governorate of Basra in the month of September, and that several thousand persons were detained in the governorate of Misan and others at the headquarters of the Fourth Army Corps in the town of Amara, and that some of them had been forcibly transferred to Baghdad, were likewise totally inaccurate and biased and had been circulated by well-known politically motivated bodies hostile to Iraq. All Iraqi citizens in the marsh region in southern Iraq were protected and cared for in the same way as the rest of the population. The allegations received were not new and were part of the campaign that the Iranian regime was launching against Iraq and the Iraqi people in an attempt to conceal the policy of interference in its internal affairs which Iran was pursuing.

Information submitted by the Government in connection with Commission resolution 1993/48

351. In pursuance of Commission resolution 1993/48, the Government of Iraq sent a note verbale on 29 July 1993 in which it reported on violence and terrorist acts allegedly committed by armed Kurdish groups in the north and by Iranian armed groups reportedly collaborating with "Iraqi outlaws and deserters" in the south of the country. It was reported that in the north, especially after the Government had withdrawn from this region following the uprisings, armed Kurdish groups had taken control of the economic, civil and public institutions, confiscating their equipment. According to this information, they had also confiscated machinery from dams, thereby paralysing irrigation projects, and had harassed the population and impeded their movement. Terrorist activities reportedly included the detonation of car

bombs and the throwing of grenades. With regard to the situation in the south, the Government reported that armed groups had killed numerous officials and civilians, destroyed and looted economic and civil institutions, as well as food warehouses, and circulated false banknotes in the country.

Israel

Information transmitted to the Government

352. By letter dated 26 August 1993 the Special Rapporteur informed the Government that he had received information according to which the practice of torture in military interrogation centres still persisted. Methods included severe beating, hooding, prolonged handcuffing, tying in painful positions, confinement in tiny and airless spaces, electric shocks, sleep deprivation, exposure to extreme temperatures and prolonged solitary confinement.

353. Another prevailing complaint concerned the lack of access to medical facilities. Detainees who are in need of physical or mental health-care treatment are often denied access to doctors or are not allowed to receive medication. In addition, Israeli physicians and other medical personnel have allegedly been involved in certifying detainees' fitness to undergo some of the methods of interrogation reportedly used by the Israeli authorities; in examining and providing treatment to victims before allowing them to be returned to interrogation; and in covering up abuses by interrogators. The following individual cases were reported:

(a) Samir Omar, a 17-year-old from al-Shati' refugee camp in the Gaza Strip, died on 31 May 1992. He had been arrested on 13 May and detained in the interrogation section of Gaza central prison until 21 May. Upon release, he reportedly stated that during interrogation he had been hooded, kept in a very cold cell, deprived of food and forced to sit on a chair for four days. He also said that he had been beaten all over his body, including his genitals, and hit on the head with a hammer.

(b) Mustafa Mahmud Mustafa 'Abd al-Hadi Barakat, a resident of the West Bank village of Anabta, died on 4 August 1992 in the Tulkarm detention centre, about 36 hours after his arrest on 3 August. He reportedly died from an asthma attack brought about by the conditions of detention and interrogation, in particular the use of hooding. He was allegedly subjected to severe mistreatment, which led to his first attack of asthma in eight years.

(c) Ayman Sa'id Hasan Nassar was arrested on 20 March 1993 during a military operation in Deir al-Balah refugee camp in Gaza. He and three others were reportedly taken to the beach nearby, where they were allegedly kicked and beaten on the face and chest. Subsequently, they were taken to Ashkelon prison, where they were reportedly placed in solitary confinement and subjected to further beatings, prolonged shackling, hooding with dirty sacks and sleep deprivation, and prevented from using the toilet for several days. On 23 March Ayman Nassar was admitted to the intensive care unit in Barzalai hospital suffering from acute respiratory distress syndrome, but he died on 2 April.

(d) Husniyeh Abdel Qader, from the Balata refugee camp, was arrested on 9 April 1992. She was detained at the Kishon detention centre, where she was held in solitary confinement with her hands cuffed behind her back and her head in a dirty bag during the first four days of her detention. She was released on 14 September 1992.

(e) Hassan Badr 'Abdallah Zubeidi, from 'Anabta, Tulkarem district, was arrested on 25 September 1992 and during 33 days detained at Tulkarm and Far'a prisons. Since his release, Mr. Zubeidi, who had been in perfect health before his arrest, was said to suffer from "acute catatonia", a mental disorder associated with a near total lack of response or association with the outside world.

(f) Youssef Farahat, from the Nusseirat refugee camp, was arrested on 24 January 1992 and taken to the Gaza central prison. He was reportedly tortured, in particular by being placed in a cell called "the refrigerator" (a small and totally dark cell into which cold air is pumped through a single opening in the ceiling) for 10 to 15 hours a day.

(g) Ghazi Abdul Rahim Omar, a resident of the village of Algason, was arrested on 25 September 1992 and taken to the Tulkarm detention centre. On 3 November, his family was informed that Ghazi Omar was hospitalized at Ha'emek hospital in a serious condition because of a kidney problem, which seemed to have been caused by severe beatings.

(h) Nader Raji Qumsieh was arrested between 3 and 4 May 1993 at his home in Beit Sahur, in the West Bank, and taken to a military detention centre in Bethlehem. He remained in solitary confinement until 6 May, when he was reportedly moved to the Dhahiriyyah detention centre for interrogation. He sustained an injury to his scrotum while under interrogation, as was evident from his medical records. One medical report claimed that Nader Qumsieh said he had fallen downstairs, whereas he had repeatedly stated that he had been injured in Dhahiriyyah as a result of torture.

354. By the same letter the Special Rapporteur reminded the Government of a number of cases transmitted in 1992 regarding which no reply had been received.

Urgent appeals

355. The Special Rapporteur sent an urgent appeal to the Government on 16 July 1993 on behalf of Muhammad Ya'qub 'Abd al-Wader al-Nubani, a Palestinian from the village of Mazari' al-Nubani near Ramallah, who was reportedly arrested by Israeli forces in the town of Bir Zeit on 22 April 1993 and taken to the Ramallah prison. On 9 June 1993, he was said to have stated in an affidavit that he had been kept hooded for long periods, tied by the hands and feet and kept in a painful position on a low chair, and deprived of sleep. Fears were expressed that he might continue to be subjected to this kind of treatment.

Information received from the Government on cases included in previous reports

356. On 20 January 1993 the Government transmitted information on the case of I'taf Daoud Hussein I'Elian who, according to the information received by the Special Rapporteur, had been kept in an isolation cell at the Tel Mund central prison for three and a half years and denied medical care. The Government stated that neither physical punishment nor torture of any kind had been inflicted upon Ms. I'Elian at any time during her detention in the Prisons Service facility. Ms. I'Elian, a member of the terrorist organization known as the Islamic Jihad (Islamic Holy War), had refused to observe the rules and regulations governing the conduct of prison inmates. Nevertheless, there was no basis for the reports that she had been held in solitary confinement for three and a half years, or for any similarly extended period. In a periodic medical visit, Prisons Service doctors had diagnosed a deviated nasal septum and recommended an operation be carried out in the near future at a suitable hospital (Ms. I'Elian had undergone an earlier nasal operation about two years previously). Ms. I'Elian at one point proclaimed a hunger strike. However, daily medical examinations, which were customary in such cases, revealed the fact of her being fed in secret by her inmate colleagues. At this point the prisoner terminated her "hunger strike".

357. With regard to the code of medical ethics, the Government quoted the report issued by the Israeli Medical Association (No. 29962 of 13 September 1992):

(a) Representatives of the International Committee of the Red Cross regularly visit the prison and there have been no specific complaints;

(b) Ten inmates (among them Ms. I'Elian) agreed to be examined by a physician member of the Israeli Medical Association (not in the presence of the prison's medical team). In Ms. I'Elian's case, there were no medical findings other than a deviated septum.

(c) In its report, the Israeli Medical Association also noted the general conditions prevailing in the prison: the inmates were accommodated in rooms of six beds; the food was identical to that served to women-soldiers in the Israeli Defence Forces; and every room was equipped with a television set. The prison had a library providing inmates with reading material, as well as study material for those inmates wishing to prepare for academic examinations.

Observations

358. The Special Rapporteur notes that in the past two years the Government has so far only responded to one case, namely, one that was the basis of an urgent appeal. The Special Rapporteur is aware of the difficulties faced by the security forces during the prolonged occupation. He hopes recent political developments will materially affect the situation. Nevertheless, he is concerned about the numerous reports of ill-treatment frequently amounting to torture, as well as allegations of medical personnel involvement in procedures requiring them to certify prisoners as fit for interrogation where such treatment is used.

Italy

Information transmitted to the Government

359. By letter dated 29 October 1993 the Special Rapporteur advised the Government that he had received information indicating that people held in the custody of law enforcement agents and prison guards were sometimes subjected to torture and ill-treatment. The most common forms alleged were repeated kicks and punches and prolonged beatings with batons, and sometimes large numbers of prisoners were involved. Incidents of that nature had reportedly taken place, in particular, in the course of 1992 and the first months of 1993, at the Asinara prison, Buoncammino prison (Cagliari, Sardinia), Canton Mombello prison (Brescia), Gazzi prison (Messina, Sicily), Padua district prison, Pianosa Island prison, Poggioreale prison (Naples), Regina Coeli prison (Rome) and Secondigliano prison (Naples). The individual cases described in the following paragraphs were transmitted to the Government.

360. Ciro Esposito, an ex-drug addict, and a friend were stopped by the carabinieri while riding a motor-scooter in central Naples on 25 June 1992 and accused of stealing the vehicle. They were arrested and taken to Marianella carabinieri offices in Naples where, between 4.30 p.m. and their release at 9.30 p.m., six carabinieri reportedly beat them with bars, including an iron handle. On the morning of 26 June, Ciro Esposito reportedly sought medical treatment for his injuries at the Cardarelli hospital in Naples. The medical certificate issued by the hospital apparently referred to an injury to his left wrist and various abrasions requiring up to 10 days to heal. It was also alleged that the captain of the Marianella carabinieri station, together with a marshall said to have participated in the alleged ill-treatment, called at Ciro Esposito's home asking him not to proceed with a formal complaint about his treatment.

361. Carmelo La Rosa, a heroin addict, appeared before the Messina Appeal Court, Sicily, on 24 June 1992, for a hearing of his appeal against a sentence which he was serving in Gazzi prison. During the hearing he reportedly informed the court that he was subject to severe drug withdrawal crises and that after each such crisis the prison guards beat him with batons. The Court reportedly acknowledged that there were clear signs of violent blows caused by a blunt instrument on his chest and shoulders and ordered that his statement be immediately passed to the Public Prosecutor. During the night of 24/25 June, Carmelo La Rosa was found dead, hanging by the neck from a trouser-belt tied to the bars of his cell-window.

362. Biagio Mazzara, an inmate of Padua district prison, was reportedly beaten in October 1992 outside the prison infirmary following an altercation with a guard. His lawyer reportedly lodged a formal complaint in which it was alleged that Biagio Mazzara had been punched, kicked, beaten with a belt buckle and had burning cigarettes extinguished on his forehead. The results of a forensic examination were reportedly consistent with the above allegations.

Jordan

Information transmitted to the Government and replies received

363. By letter dated 26 August 1993 the Special Rapporteur advised the Government that he had received information regarding Husayn al-Jidi, Fu'ad Shrifat, Basel al-Zaghlul and Sulayman al-Zuyud, reportedly arrested on 20 April 1993 under accusation of membership of the illegal Liberation Party in Jordan (LPJ) and of participation in a plot to assassinate King Hussein of Jordan. They were first reportedly taken to the General Intelligence Department (GID) in Amman; however, the security authorities were said to have initially denied holding them. None of them, allegedly, were allowed access to a lawyer, and family visits were only allowed in mid-August, when they were being held in Zarga military prison awaiting trial. After these visits the relatives reported that the detainees had been subjected to torture while held at GID and that they still bore the marks of beatings.

364. In a letter dated 8 September 1993 the Government strongly denied the above allegations and stated that the detainees had been accorded the full protection of due process of law, including legal counsel and defence in accordance with judicial procedures and standards guaranteed by the Constitution. The cases were still under judicial investigation and the trial had been scheduled to take place on 9 September 1993. It would be open to the press and the general public, including the relatives of the detainees.

365. In the light of the reply provided by the Government, the source informed the Special Rapporteur that in October all detainees had retracted their confessions in court, saying they had been extracted under torture. They had stated that when held in GID Headquarters' detention centre in Amman they had been tortured by methods that included falaqa and threats of sexual assault. One of them, Husayn al-Jidi, had sustained an injury over his left eyebrow requiring sutures, which he said was caused by beatings, while the prosecutor suggested it was the result of an attempt at suicide by banging his head against a cell door. The source also reported that the Court had not allowed the detainees to be examined by doctors of their choice, as their defence lawyers had requested, only by doctors chosen through the Minister of Health. The examinations had not been conducted until the end of September and their results were being debated.

Kenya

Urgent appeals

366. On 6 December 1993 the Special Rapporteur sent un urgent appeal to the Government concerning the state of health of Geoffrey Kuria Kariuki, arrested around 6 November 1993 during a police operation in Nakuru and taken to Nakuru prison. According to the reports, he had not received medical treatment for acute typhoid, despite a court order dated 16 November 1993 requiring him to be taken to hospital.

Information received from the Government on cases included in previous reports

367. On 12 November 1992 the Special Rapporteur sent a letter to the Government regarding the alleged beating in March 1992 of Wangari Maathai and other women hunger strikers. On 31 March 1993 the Government replied that the circumstances surrounding the alleged beating had been the subject of much controversy and disinformation. When these persons first decided to camp at Uhuru Park, the Government was anxious to establish communication with them with a view to finding a solution to their grievances. Towards this end, the Attorney-General held a meeting with them on 28 February 1992 and promised to look into their complaints.

368. Notwithstanding their assurance to the Government that their protest would be peaceful, the opposition began to hold unlicensed public meetings at the venue of the mothers' strike and illegal processions and demonstrations in and around the area. Moreover, soon thereafter, some elements in the environs of the scene of the hunger strike had begun to stone passing motorists and to obstruct traffic. As a result of these activities the police had been instructed to move in to restore law and order. It was in furtherance of this objective that the striking mothers and those at the scene of the strike and its surroundings had been removed. In the course of this operation the police and members of the public had been stoned by some elements who had taken over the movement. The police had responded to these incidents by using force which was commensurate with the situation. In the light of the experience at Uhuru Park the striking mothers had moved to the nearby Cathedral where they continued their strike. In view of the steps taken by the Government to meet their grievances the strike had been called off by late 1992.

369. By letter dated 1 April 1993 the Government added to its reply that neither Wangari Maathai nor the other striking mothers who were alleged to have been beaten had made any formal complaint to the authorities and therefore no investigations into the matter could have been carried out.

Malawi

Information transmitted to the Government

370. By letter dated 9 June 1993 the Special Rapporteur informed the Government of reports he had received about arrests and short-term imprisonment of supporters of the movement for a multi-party system that allegedly occurred in 1992. The conditions of imprisonment of those arrested were reported to be exceptionally poor. The main prisons to which they were taken, Chichiri in Blantyre and Maula in Lilongwe, were reportedly those with the worst conditions and the most severe overcrowding in the country. Prisoners were forced to spend the night standing crammed together because there was not even space for them to sit. Many of those arrested were alleged to have been subjected to severe beatings, electric shocks and sexual abuse.

371. It was also reported that assault and torture were crimes under Malawi's Penal Code and unlawful under Malawi's civil law, entitling the victim to sue for damages. However, no prosecution or civil action for assault or torture was known to have taken place. The following individual cases were reported:

(a) Sophia Nkosana was arrested on about 17 April 1992 and held for about five days before being released without charge. While she was in custody at police headquarters in Lilongwe she was reported to have been stripped naked, beaten, poked with a cattle prod and placed in a cell smeared with excrement.

(b) Samuel Mkandawire and Kenneth Govati, student union officials, were arrested in Blantyre on 17 March 1992. They were among a group of approximately 75 students arrested by the police at the polytechnic in response to a demonstration and taken to Chichiri prison and Chilomoni and Ndirande police posts, where they were beaten. Samuel Mkandawire and Kenneth Govati were also alleged to have been tortured by having their genitals squeezed.

(c) Chakufwa Chihana, Secretary General of the Southern African Trades Union Coordination Council (SATUCC), was arrested on 6 April 1992 and taken to Mikuyu prison, a maximum security prison in Zomba. He was put in an extremely small cell, only the size of his body, where the window had been deliberately blocked off. The first night the warders put a wild cat in the cell and, for almost one month, he was held in leg irons.

Malaysia

Information transmitted to the Government on cases included in previous reports

372. On 12 November 1991 the Special Rapporteur sent an urgent appeal to the Government concerning Aaron Cohen Shelton, reported to have been sentenced in September 1991 to life imprisonment and ordered to be whipped six times under Malaysia's Dangerous Drugs Act.

373. On 5 August 1993 the Government replied that the sentence of whipping had been carried out on 12 December 1991. Whipping had been enforced since 1975 under the above-mentioned Act. It should not be viewed as inhumane or degrading, but in relation to the seriousness and gravity of the crime committed against society and national security. Aaron Cohen Shelton had been charged with possession of heroin and found guilty after the due process of law as provided for by the Malaysian legal system. He had been given every opportunity for a fair and just hearing. The sentence was in accordance and consistent with a law passed by the Parliament freely elected by the people of the country.

374. On 21 August 1992 the Special Rapporteur sent an urgent appeal to the Government on behalf of a group of 43 Acehnese asylum-seekers who were occupying the UNHCR premises in Kuala Lumpur because they had been threatened with being forcibly returned to Indonesia. Fears were expressed that, if this happened, they would be at risk of being detained upon arrival and tortured.

375. On 5 August 1993 the Government replied that beginning in June 1991, several groups of Acehnese totalling 290 had landed on Malaysian shores claiming political asylum and refugee status. They had been detained at various immigration detention centres in keeping with the Malaysian laws

governing illegal entry of aliens into the country. By August 1993, 162 of those detained had been released and had returned to Indonesia voluntarily. At no time did the Government of Malaysia force them to return to their country. As for the rest, arrangements were being made to release them. Throughout their detention in Malaysia for illegal entry, the Acehnese were provided with all the necessary facilities, including adequate food, shelter and medical treatment. They were never denied or deprived of their basic rights.

376. As for the 44 persons occupying the UNHCR premises in Kuala Lumpur, consultations were taking place between the relevant authorities with a view to providing those who wished to leave the camp with the opportunity to work temporarily in Malaysia in accordance with the relevant laws governing foreign workers in the country. The Malaysian Government had no intention of forcibly returning them to Indonesia. The fact that they were able to remain on the UNHCR premises for so many months, despite being regarded as illegal immigrants, clearly testified to the fact that at no time were they in danger of being forced to return to Indonesia against their free will.

Mauritania

Information received from the Government with respect to cases included in previous reports

377. On 28 September 1992 the Special Rapporteur sent an urgent appeal to the Government in connection with incidents of torture reported to have taken place in the village of Sorimale, M'Bagne department, as a result of which Dia Hamath Atouman allegedly died.

378. On 24 December 1992 the Government informed the Special Rapporteur that on the night of 22 August 1992, a trader with a business in Sorimale had been seriously wounded and had died several hours later. An investigation had led to the arrest of Sarr Amadou Mamadou, also known as Alassane, and Diop Ismaila, Niass Yaya and M'bodj Hamidou. They had been brought before the Government Prosecutor and transferred to the prison at Aleg, where they were awaiting trial. They had access to their lawyers, to a doctor and to their families.

379. The confessions made by the accused had not been obtained under torture and both the investigation by the Government Prosecutor's Office and the trial would take place in full observance of the normal rules applicable in a State governed by the rule of law.

380. The death of Dia Hamath Atouman had been due to natural causes and was in no way connected with the above-mentioned case. He had never been questioned by the officials handling the investigation. No complaint had been lodged concerning him and, were one to be made, an official investigation would be undertaken and conducted in accordance with the law.

Mexico

Information transmitted to the Government and replies received

381. By letter dated 26 August 1993 the Special Rapporteur advised the Government that he had received reports according to which torture and ill-treatment continued to be practised by the judicial police during the initial stages of a criminal investigation as a means of extracting confessions from detainees. Moreover, these confessions continued to be accepted as evidence by the majority of courts. The most commonly used methods were beatings, introduction of carbonated water into the nose, suffocation by placing a plastic bag over the head or immersing the head in water, electric shocks and death threats.

382. According to the information received, the practice of torture and ill-treatment was facilitated by the fact that the perpetrators were rarely prosecuted. Even in cases where a recommendation had been issued by the National Human Rights Commission, the recommendation had been ignored and the persons responsible had gone unpunished. Cases of indemnification of victims were rare, even where the authorities had recognized the existence of torture.

383. The Special Rapporteur was also informed of the existence of a draft text to revise various articles of the Constitution, which called, inter alia, for an increase in the period of preventive detention from the 24-hour limit currently in force to 72 hours. According to the sources, this reform would represent a setback in the protection of the rights of detainees and would facilitate the practice of torture and ill-treatment. The individual cases referred to in the following paragraphs were communicated to the Government.

384 Rubén Medina Rubio was arrested on 23 November 1989 in the town of Jalapa and taken to the premises of the judicial police of the Federal District located in Médico Militar street, Mexico City. It was reported that both at the time of his arrest and during his transfer he was severely beaten for refusing to confess his involvement in a kidnapping and homicide case. Also arrested was Angel Chávez Sánchez who, under torture - as corroborated by medical certificates and photographs - reportedly implicated Mr. Medina in the crimes with which he had been charged. Mr. Chávez was reported to have retracted his statement before the Eighth Criminal Court of the Federal District. According to the information received, Mr. Chávez's original statement constitutes the only evidence on the basis of which Mr. Medina was sentenced to 37 years in prison.

385. Manuel Manríquez San Agustín, a member of the Otomí indigenous community of Ranchería Piedra Blanca, Tutotepec, state of Hidalgo, was arrested without a warrant by members of the judicial police of the Federal District on 2 June 1990 in Mexico City. During the four days in which he was kept incommunicado he was reported to have been severely beaten and subjected to suffocation and electric shocks. Finally, he was forced to sign a confession in Spanish, despite the fact that he did not understand the language.

386. Pablo María Jonathan Molinet Aguilar, an 18-year-old student, was arrested on 24 March 1992 at Salamanca, Guanajuato, by members of the State judicial police. He was reported to have been severely beaten, threatened with death and forced to sign a blank confession. In spite of this, the government procurator's office formally accused him of murder. In view of these circumstances, a complaint was lodged with the National Human Rights Commission in March 1992, which issued, one year later, a recommendation calling upon the authorities of the state of Guanajuto to carry out an investigation of the claims that Mr. Molinet was the victim of illegal detention and torture.

387. The Special Rapporteur was also informed of an incident which took place on 29 March 1993 in the town of San Isidro el Ocotal in the municipality of San Cristóbal de las Casas, Chiapas, in which 13 members of the Tzotzil indigenous community were arrested by members of the army and accused of the murder of two soldiers. According to the information received, the above-mentioned members of the indigenous community were forced, under torture and without an interpreter, to confess their participation in the acts of which they were accused. Though upon their release without charges two days later all of them showed marks of the treatment to which they had been subjected, none of the persons responsible seem to had been prosecuted nor the victims indemnified.

388. On 11 October 1993 the Government sent the Special Rapporteur a copy of the recommendation issued by the National Commission for Human Rights on 12 May 1993 on the above case, according to which, the arbitrary detention of and the ill-treatment inflicted upon the above-mentioned members of the Tzotzil community by agents of the judicial police were established. It was, therefore, recommended that legal proceedings should be initiated against the latter.

Urgent appeals

389. The Special Rapporteur sent an urgent appeal to the Government on 4 May 1993 on behalf of Luis Alfonso Luz Flores and José Martín Escarcega Solís, reported to have been kept in incommunicado detention since 22 April 1993 at the treatment area of the South Remand prison, Mexico City. Fears were expressed that they might be subjected to torture.

390. On 26 July 1993 the Government informed the Special Rapporteur that Luis Alfonso Luz Flores, a prisoner at the South Remand prison was classified on the basis of his criminal record as a persistent offender with signs of verbal and physical aggressiveness, poor self-control, strong criminal proclivities, poor social adaptability and serious anti-social tendencies. As for José Martín Escarcega Solis, the Government stated that he was imprisoned in the same cell as Luis Alfonso Luz Flores and that he was sentenced to six years in prison in 1991 for robbery. On 25 April 1993, 284 "Roche 2" pills were confiscated from the two prisoners, who admitted that the pills belonged to them. For this reason they were taken to the special treatment area and a complaint was filed with the Attorney-General's Office on 6 May 1993. Medical certificates dated 25 April 1993 were attached stating that Escárcega Solis bore no marks of recent injuries, whereas Luz Flores had a light scar on the left shoulder.

391. Another urgent appeal was transmitted to the Government on 19 May 1993 regarding Olga Torres Hernández, Roberto Palacios Sánchez, Manuel Escalante Magos, Alicia Enriqueta Altamirano Jacinto, Froylan Martínez Chagoya, Cirilo Hernández Rubio and Juan González Hernández. According to the reports, they were arrested on 16 May 1993 while demonstrating in Mexico City in support of a hunger strike by prisoners of the Reclusorio Preventivo Norte. Fears were expressed that they might be subjected to torture while held in incommunicado detention.

392. With respect to this case, the Government informed the Special Rapporteur that on 17 May 1993 some 30 people had visited the office of the National Commission for Human Rights to express their concern at the fact that a group of citizens had been evicted, apparently by personnel from the Secretariat General for Highways and Road Safety, from the place in which they were conducting a demonstration and hunger strike, and that their whereabouts were unknown. Subsequently, the Secretary-General for Highways and Road Safety had informed the National Commission that Mr. Torres Hernández, Mr. Palacio Sánchez, Mr. Escalante Magos and Mr. Altamirano Jacinto had been freed that afternoon, and that they had been taken to the Cuauhtémoc police station because they had committed administrative offences. This information had been corroborated by the complainants on 18 May 1993. The latter had also informed the National Commission on 3 June 1993 that the problem of the hunger strike had been solved two weeks previously.

393. The Government also informed the Special Rapporteur that in the interview with the citizens who sought the help of the National Commission for Human Rights in determining the whereabouts of their relations and friends, it had been established that they had contacted the National Commission not in order to lodge a complaint, but to request urgent assistance. They had been informed that if they wished to lodge a complaint concerning the violation of human rights, they should do so by reporting specific facts and indicating their wish that those facts should be investigated. The citizens had said that if they decided to lodge a complaint, they would do so at a later date. As yet they had not done so.

Observations

394. The Special Rapporteur notes the conclusions and recommendations of the Committee against Torture adopted after its consideration of Mexico's periodic report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/48/44, paras. 226-229). He also notes with appreciation the seriousness with which the National Human Rights Commission appears to have considered complaints it has received. In view, in particular, of the concern of the Committee against Torture about the small number of torturers who have been punished, the Special Rapporteur would appreciate learning what official action has been taken in cases where the National Human Rights Commission has recommended official investigation and/or legal proceedings.

Morocco

Information received from the Government on cases included in previous reports

395. On 5 March 1993 the Government transmitted information with respect to the case of Driss Touati, reported to have died in April 1991 a few hours after being taken to the Rachidiya police station. According to the reply, Mr. Touati was arrested on 18 April 1991, when evidence was found of his involvement in statutory offences of grand larceny, so that he could be questioned by criminal investigation officers. He committed suicide on 19 April 1991.

396. During the investigation into the circumstances of his death, the Public Prosecutor at Rashidiya viewed the body, which was also examined by the chief medical officer at Moulay Ali al-Sharif hospital in the same town. In addition to the investigations, the Public Prosecutor ordered an autopsy of the body, which confirmed that death resulted from suicide without any indication of violence. The Public Prosecutor decided to have a second autopsy performed by a committee consisting of the district medical officer at Rashidiya and two physicians. The results were consistent with the first autopsy report. In the light of the findings, and in view of the lack of any criminal evidence indicating that death resulted from murder, a complaint was filed against persons unknown and the matter was referred for investigation.

397. On the same date, the Government replied also to the case of the Spanish national Samir Alsadi Jassin, alleged to have been severely beaten by State security police at Tangiers on 31 December 1989. According to the reply, officials at the Ministry of Justice contacted the Public Prosecutor at Tangier Appeal Court and the Department of Prisons and a search was made for the file of the person concerned, for judgements handed down against him and for information as to whether he was in a Moroccan prison. In spite of these endeavours, no reference to any person bearing this name was found.

398. The Government also informed the Special Rapporteur that the Department of Public Prosecutions was legally empowered to monitor cases in which persons were held in police custody and to make inspection visits to police stations in order to interview persons held in custody and ascertain the reasons for their detention, as well as the duration and conditions of their detention. The public prosecutors submitted monthly reports to the Ministry of Justice on their observations during those visits. The role of the Ministry of Justice was to prevent and punish any arbitrary or abusive act likely to prejudice the freedoms or property of individuals or groups. By virtue of the coordination and cooperation among the various authorities responsible for investigation, prosecution and judgement, the desired results had been achieved within the framework of national legislation and the principles set forth in human rights instruments. This was clearly evident from the cases that had been referred to the courts in connection with arbitrary acts on the part of police officers or local authorities.

Myanmar

Information transmitted to the Government

399. By letter dated 3 November 1993 the Special Rapporteur advised the Government that he had received information according to which persons arrested for political reasons were frequently subjected to torture and ill-treatment, particularly during interrogation, in the initial phases of detention. However, prisoners were also said to be beaten and deprived of food and water if they protested against the conditions of their detention, which seemed to be extremely poor. Thus, Mr. Aye Lwin, aged 38, a prisoner at Insein prison, reportedly died from internal injuries sustained in early December 1992 after being severely beaten by a prison official. Although he was vomiting blood, he received no medical care and died in his cell. He was also reported to have been badly beaten during a hunger strike at Insein prison in 1990, after which time his health reportedly deteriorated.

400. The Special Rapporteur was also informed of the case of Mi Htaw, from Win Pa Toke village in Thanbyuzayat township, Mon state. She reportedly went to visit her husband, Nai Sein Aung Kyi, who had been arrested by members of the State Law and Order Restoration Council (SLORC) Infantry Battalion No. 31 for having contacts with the New Mon State Party. It was alleged that when she arrived there, she was repeatedly raped in front of her husband and he was severely beaten, as a result of which his left hand was broken.

401. Information was also received according to which porters and unpaid labourers who were arbitrarily seized by the armed forces (tatmadaw) were often ill-treated or tortured and denied adequate food and medical treatment, despite the fact that they frequently fell ill owing to the working conditions. Thus, Maung Nyan Pwa, aged 24, and his father, U Aung Thein, were reportedly arrested on 10 January 1993 together with about 100 men on the Zabu Aye boat, in the middle of Jine river, Kawkareik township, by members of Infantry Battalion No. 97. They were taken to the base of Light Infantry Battalion No. 201 in Pa-an and were subsequently transferred to the base of Light Infantry Battalion No. 210 in Hlaing Bwe. Starting in Hlaing Bwe, they were allegedly forced to carry baskets, each of which weighted 50 kilos. When they could no longer carry them, they were reportedly beaten and not fed at all as a punishment. Maung Nyan Pwa was allegedly beaten with bamboo sticks and his right eyeball and eyelid were smashed. His father was beaten to death with rifle butts.

Information received from the Government on cases included in previous reports

402. On 12 August 1992 the Special Rapporteur sent an urgent appeal to the Government on behalf of Maung Nay Yein Kyaw, Maung Tun Tun, Maung Naing Naing, Maung Soe Naing, U Tin Tun, U Tun Shein and U Swe Tint, reportedly arrested on 8 June 1992 and interrogated at Mi-7 detention centre for several days.

403. On 22 February 1993 the Government replied that Nay Yein Kyaw, Tun Tun, Naing Naing, Soe Naing, Tin Tun and Tun Sein (Shein) were sentenced to 10 years' imprisonment on 23 September 1992 for distributing seditious pamphlets with an intent to disrupt the National Convention. There was no record of arrest of one "Swe Tint" as alleged.

Nepal

Information transmitted to the Government and replies received

404. By letter dated 26 August 1993 the Special Rapporteur advised the Government that he had received information according to which there had been several positive developments in the human rights situation in the country since 1989. These included the promulgation in 1990 of a new Constitution which prohibited torture and provided for compensation for torture victims, as well as the accession of Nepal to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Despite these positive changes, it was reported that torture in police custody was still being used, both as a means to obtain information or confessions or to punish prisoners held for political reasons. In addition to this, no official action had allegedly been taken to ensure independent and impartial investigations or to bring those responsible to justice. The individual cases described in the following paragraphs were transmitted to the Government.

405. Chaitu Lama, a supporter of the Communist Party of Nepal, was arrested on 26 October 1992 in Bhiman village, Sindhuli district, in connection with an incident of murder. He was first reportedly beaten in his home by members of the ruling Nepali Congress Party, who tied him up and dragged him to the police station. Once in police custody, he was allegedly beaten repeatedly for two days after refusing to sign a confession to murder.

406. On 23 November 1993 the Government replied that on 27 October 1992 a fight had broken out between residents of the Bhirman and Hardiya villages, Sindhuli district, during which two persons were killed and others injured. The police had carried out an investigation and filed a case with the District Court, which had ordered the detention of six persons, including Mr. Lama. Subsequently, the Court of Appeal had confirmed the detention of Mr. Lama and released the five others. All of them had been injured during the incident of 27 October. It could not be confirmed that they had been tortured during the period of detention.

407. Tul Bahadur Sarki was arrested by police in the same circumstances as Chaitu Lama. In the police station he was reportedly beaten with sticks on the arms, calves and soles of the feet, including while suspended upside down. He was also said to have been threatened with death when he refused to sign a statement saying that he had witnessed Chaitu Lama and another person committing murder.

408. Purna Bahadur Bishwokarma, aged 61, was arrested on 1 November 1992 in Thalajung village, Gorkha district, on suspicion of theft and taken to Gorkha District Police Office (DPO), where he was said to have been beaten regularly with sticks and with sisnu (a plant which causes painful swellings on the skin). When he was released, on 19 November, he was unable to work and died a few days later.

409. On 23 November 1993 the Government replied that Mr. Bishwokarma had been beaten by local residents before being brought to the police station. After inquiries were made he was allowed to return home. A few days later his corpse was found at the Pokharithok market in Gorkha. The post mortem report did not indicate beating or torture as the cause of death. However, the investigation was still under way.

410. Bhim Bahadur Gurung was arrested in the same circumstances as Purna Bahadur. At the DPO he was reportedly boxed on the ears, pulled by the hair and kicked and punched in the face and abdomen. It was also alleged that he was forced to sit in the kukhura (chicken) position, when the victim's hands are loosely tied behind the back with a rope, then brought forward under the thighs, with the legs bent at the knee and with the head then being pushed forward between the legs and under the rope tying the hands. After being forced into this position, he was beaten for about half an hour. He was released 24 days later, reportedly without charge and without having appeared before a court, having been held incommunicado throughout his detention.

411. Suya Bahadur Rana was arrested on 3 November 1992 in the same circumstances as Purna Bahadur and kept incommunicado at the DPO for 22 days. He was reportedly taken to the police inspector's office, forced into the kukhura position and beaten on the soles of the feet, ankles, thighs and arms on several occasions during his detention. He was also forced to jump up and down when his feet were painfully raw from beatings. A medical examination carried out after his release indicated injuries consistent with the alleged torture. On 23 November 1993 the Government replied that the allegations were false.

412. Pratap Bishwokarma was arrested on 9 November 1992 in the same circumstances as the three previous persons and taken to the Gorkha DPO. He was allegedly beaten on the ankles with sticks, forced into the kukhura position and beaten on the soles of the feet for about half an hour, after which he was made to jump up and down on his wounded feet. At the time of his release, after 17 days in incommunicado detention, the police reportedly threatened to rearrest him if he disclosed that he had been tortured. On 23 November 1993 the Government replied that the allegations were false.

413. Dewan Singh Gurung was arrested on 6 November 1992, like the previous four persons. According to the reports, he was forced into the kukhura position and beaten on the soles of the feet with a rough stick. Thereafter he was beaten all over the body; and on the sixth day, he was stripped naked and beaten for 10 minutes with sisnu dipped in water. He was reportedly also punched in the abdomen, and made to jump up and down until he was unable to stand. He was released after 13 days in incommunicado detention.

414. Sanu Maya Bishwokarma was incriminated by evidence given under torture by her husband Purna Bishwokarma. She was arrested on 15 November and was held incommunicado for one week. She was reportedly beaten during and after arrest, both with sticks and sisnu, and was held by the hair and lifted into the air.

415. Mnikala Rai was arrested by police at Buddhanilkantha, Kathmandu on 13 December 1992 and detained overnight. In addition to being raped, she was allegedly kicked and beaten until she became unconscious. A medical examination carried out after her release reportedly indicated injuries consistent with rape, including severe bruises on the chest, thighs, arms, face and head.

416. On 23 November 1993 the Government replied that a deputy superintendent of police had been dismissed in connection with Mani Kala Rai's ill-treatment. However, it was not true that she had been beaten to unconsciousness while in police custody.

417. The Special Rapporteur was also informed of a large number of arrests which allegedly took place between 25 and 28 June 1993 following demonstrations in Kathmandu and neighbouring towns called by the Communist Party of Nepal. According to the reports, over 300 people were taken into custody and most of them were beaten on the shins with sticks. As a result, some were unable to walk properly.

418. With respect to this incident the Government replied on 23 November 1993 that during the period of the said nationwide strike, when the demonstrators at the various places of the Kathmandu Valley had taken the law into their hands by resorting to arson, damaging public places and stoning public houses and vehicles, the police had had to take into custody some persons involved in those activities in order to make an on-the-spot investigation, to prevent the violence going out of control, and to protect public and private properties from further damage. After investigation, some of those who were found innocent were released the same day, and legal action under prevailing laws was taken against those who were found to have been involved in violent and destructive activities.

Nigeria

Urgent appeals

419. On 23 June 1993 the Special Rapporteur sent un urgent appeal to the Government concerning Ken Saro-Wiwa, President of the Nigerian Association of Writers and the Ethnic Minority Rights Organisation of Africa, as well as founder of the Movement for the Survival of the Ogoni People, who was allegedly arrested by Rivers State Command on 21 June 1993. He was later transferred to the State Investigation and Intelligence Bureau in Port Harcourt and then moved to an unknown destination. Fears were expressed that he might be subjected to torture.

Pakistan

Information transmitted to the Government

420. On 9 June 1993 the Special Rapporteur advised the Government that he had received information according to which supporters of the Pakistan Democratic Alliance (PDA) were arrested in different parts of the country on 17 November 1992 and on the following days, before and during a demonstration called by the PDA. Another mass arrest was reported to have taken place

on 22 December 1992 in Islamabad. Several people detained for their participation in the protest movement were reportedly ill-treated in police custody. The individual cases described in the following paragraphs were transmitted to the Government.

421. Salman Taseer, information secretary of the Pakistan People's Party (PPP), was arrested on 18 November 1992 in Lahore. While in police custody, he was allegedly kept hanging upside down for several hours. Then he was lowered and an iron bar was allegedly put on his legs; two plainclothes policemen sat on the bar and rolled it over his legs. The soles of his feet were allegedly beaten by rubber truncheons and batons. After his release, he attempted to register a First Information Report against the police officers who had tortured him; however, the Station House Officer in Dharampura police station reportedly refused to register it.

422. Sohail Malik, leader of the PPP-associated People's Student Federation, was arrested on 22 December 1992 in Islamabad. While in police custody he was allegedly kicked repeatedly with heavy boots and beaten with electric batons and pistol butts. A doctor of the Organisation for the Treatment and Rehabilitation of Torture Victims was said to have examined him afterwards and to have declared that he could be left impotent as a result of the torture. Malik Mukhtar Ahmed Awan, an ex-federal minister, and Shafqat Abbasi, an advocate, were also said to have been arrested in the same incident and subsequently subjected to torture. As a consequence, Mr. Awan had to be treated at the Federal Government Services Hospital and Mr. Abassi at the International Medical Centre.

423. The Special Rapporteur also received information on the case of Mohsin Abbas Raza, kidnapped on 15 February 1992 at Shahrah-e-Quaideen, Karachi, by agents of the "Rangers", a law enforcing agency, and taken to an unknown detention centre, where he was allegedly subjected to severe beating, threatened with death and given electric shocks. He was released without charge a few days later.

424. By the same letter the Special Rapporteur reminded the Government of allegations transmitted in 1992 regarding which no reply had been received.

Urgent appeals

425. The Special Rapporteur sent an urgent appeal on 28 April 1993 on behalf of Lisa Evelyn Rancore, an American citizen detained in a prison in Karachi. According to the reports Ms. Rancore, who was five months pregnant, suffered from dysentery, pneumonia and possibly hepatitis owing to the conditions prevailing in the prison. Little or no medical care and an insufficient quantity of food was reportedly being provided to her.

Peru

Information transmitted to the Government

426. By letter dated 26 August 1993 the Special Rapporteur transmitted to the Government of Peru a summary of the main allegations received with regard to the practice of torture in the country, as well as a number of individual

cases. In addition, the Special Rapporteur made two urgent appeals on behalf of persons who, according to information received, were at risk of being tortured.

(a) Information transmitted to the Government with regard to the practice of torture in general

427. By letter dated 26 August 1993 the Special Rapporteur advised the Government that he had received ample information on the practice of torture in the country by security forces. In particular, it was reported that the new decrees on terrorism promulgated since April 1992 contained a series of rules which facilitated the practice of torture on persons detained on suspicion of terrorism, a term which was extremely vaguely defined. As a result of some of these rules:

(i) The right of defence was limited by the fact that the lawyer was not allowed to intervene during the period of detention by the police before the detainee had submitted his declaration to the prosecutor. Preventive detention could last 15 days for accusations of terrorism and even more for charges of betraying the country.

(ii) The police was given broad discretionary powers during preventive detention, such as the right to keep the detainee incommunicado. For charges of betraying the country, the police might set the time-limit for preventive detention beyond the legal limit of 15 days, and might even decide to extend it. These powers were not subject to control by the jurisdictional authorities.

(iii) The exercise of the remedy of habeas corpus was prohibited both during the police investigation and during the judicial investigation.

428. Reports also spoke of a link between the practice of torture on the one hand and involuntary disappearances and summary or arbitrary executions on the other hand. Those who reappeared after long periods of unacknowledged detention and the bodies of victims of extrajudicial executions very frequently showed marks of physical violence. Such cases apparently occurred in various parts of the country, but they were most common in rural and urban areas where a state of emergency had been declared and where the military presence was therefore strong. Thus, for example, the Special Rapporteur had received a list of 24 students from the National University of Central Peru who were allegedly executed in the city of Huancayo between August and October 1992 and whose bodies showed marks of physical violence.

429. According to the information received, the most commonly used methods of torture were beatings, suffocation, electric shocks, suspension by the arms for long periods of time, death threats and mutilation. Sexual abuse and rape were also reported to be routine in the areas under a state of emergency.

430. In almost all cases received by the Special Rapporteur, responsibility for torture was attributed to members of the armed forces and police forces stationed in the areas under a state of emergency. However, members of the

police serving in the rest of the country were sometimes also identified as perpetrators. A large proportion of cases went unreported, either because the victim was afraid or under threat, or because in many cases the claims were difficult to substantiate; indeed, in the majority of cases the kind of medical or legal attention which would make it possible to provide a minimum amount of documentation was simply not available. Procurators and judges had reportedly often refused to act on claims lodged by the victims, or had accepted as valid declarations obtained by force during the police investigation or detention.

(b) Information transmitted to the Government regarding the practice of rape and sexual abuse against women

431. The Special Rapporteur also received abundant information regarding the practice of rape and sexual abuse of which women were frequently the victims in connection with the campaign by security forces against insurgent groups. Thus, rape would seem to be used as a weapon to punish, intimidate and humiliate.

432. Rape and other forms of sexual abuse were apparently sometimes combined with other methods of torture, such as electric shocks, during police interrogations. In territories under a state of emergency, on the other hand, rape was perpetrated within the framework of the armed conflict, in rural areas, without prior detention, and seemed to be used as a form of intimidation or punishment against civilian groups suspected of collaboration with insurgent groups. Incidents of this type were reported to have occurred, for example, at Chilcahuayco and Vilcashuamán, Ayacucho, in September 1990 and at San Pedro de Cachi, Ayacucho, in July 1991.

433. It was also reported that the perpetrators were rarely prosecuted, even in cases which had been reported to the competent authorities. The military courts ignored such cases and did not place the accused at the disposal of the civil courts in accordance with their obligation under the law. This situation of impunity combined with other factors, such as the difficulty of providing proof or the attitude of society towards the victims meant that a large proportion of cases were not even reported. The following individual cases were communicated:

(a) Pilar Coqchi was arrested on 23 January 1990 in Huamanga, Ayacucho, on accusation of activities connected with the Sendero Luminoso in the district of Belén. While in detention she was allegedly raped several times and was subjected to other forms of torture, such as beating, suffocation and hanging. Though the case was reported to the government procurator, no charges were filed against any members of the police, for lack of evidence.

(b) María Flores Valenzuela and her 17-year-old daughter, Zunilda Pineda Flores, peasants from the town of Carcosi, were arrested in September 1990 by soldiers from Julcamarca military base in Huancavelica. Upon arrival at the base they were reportedly tied to a post and left in the sun for several hours. They were then raped by several soldiers and released on the following day.

(c) Virginia Huamaní Garay and Luz María Blas Sánchez were arrested by a military patrol on 15 August 1991 while waiting for a bus on a street in Lima. They were reportedly taken to a factory guarded by the army, raped by 12 soldiers and warned not to report the incident.

(d) Maria Elena Loayza Tamayo, professor at the University of San Martín de Porres, was arrested on 6 February 1993 in Lima by members of the National Directorate against Terrorism (DINCOTE) on suspicion of maintaining links with members of the Sendero Luminoso. She was kept incommunicado from 6 to 15 February during which time she was reportedly beaten and kicked mainly in the head and thorax, submerged in water to simulate drowning, and raped several times, in order to obtain her confession.

(c) Individual cases transmitted to the Government

434. Higinio Quispe Pérez, Vice-President of the Rural Brigades of the area of San Pedro de Sulcán, Concepción, Huancayo, department of Junín, and Eleuterio Inga were arrested by soldiers on 12 April 1991 and taken to Chaquicocha military base where they were reportedly beaten in order to force them to provide information on terrorist activities. On the following day they were transferred to Chupaca base where, together with Héctor Méndez Córdoba, they were reported to have been severely beaten, with hoods over their heads and their hands tied behind their backs throughout.

435. Rafael Leandro Rodríguez Eduardo, was reportedly ill-treated on the premises of El Tambo police station in the department of Junín where he had gone to report a robbery in June 1991. He was reportedly blindfolded, beaten on various parts of the body including the ears and genitals. His arms were then tied behind his back and water with detergent was sprayed in his face, after which he was suspended by his arms from a beam.

436. Senobio Enríquez Vargas was arrested on 24 January 1992 at Manta, Huancavelica, by, it is suspected, members of the army from the local military base, and was reported to have been severely beaten and cut in the left arm and the chest with a knife.

437. Juan Arnaldo Salomé Aduato was arrested in Huancayo, Junín, on 24 April 1991 by members of the police and taken to the 9 de Diciembre police station where he remained until his release on 10 June 1991. During his detention he was reportedly severely beaten, suffocated, suspended in the air and deprived of food.

438. José Natividad Flores Rojas, ex-President of the Rural Brigades of San Juan, was arrested on 22 July 1992 at Bagua Chica, Bagua, Amazonas, by members of the army from the Fifth Forest infantry division. He was detained for 13 days, during which he was reportedly severely beaten and subjected to electric shocks. He was also reported to have been left suspended for long periods, which caused dislocation of the arms at the shoulders.

439. Nazario Edgar Flores Castro, organizational secretary of the National Mining Federation, was arrested by police officers at Yauli, Oroya, Junín, on 15 May 1992 and taken to the local police station. He was detained for one week, during which he was reported to have been severely beaten with blunt instruments.

440. Antártico Daniel Salas Córdova was arrested in the district of San Martín, Lima, on 27 April 1992 by members of the National Police. He was taken to a police station where he died a few hours later. The autopsy report allegedly attributed the death to suffocation as a result of physical violence.

441. Nancy Luz Pimentel Cuéllar, a student at Enrique Guzmán y Valle University in suburban Lima, was arrested at her home at Chosica on 10 October 1992 by members of the armed forces, beaten, and taken to DINCOTE. Among other forms of ill-treatment, electric shocks were applied to her fingertips and head until she fainted. She was released without charges and without acknowledgement of detention on 2 November 1992.

442. Martha Huatay Ruiz, a lawyer and a member of the Association of Democratic Lawyers and of the Communist Party of Peru (PCP) Sendero Luminoso, was arrested on 17 October 1992. Before being sentenced to life imprisonment by a military court, she was tortured on the premises of DINCOTE. The Lima Bar Association was reported to have issued a public condemnation of this torture.

443. Commander Marco Antonio Zárate Rotta, Commander Enrique Aguilar del Alcázar, Major César Cáceres Haro and retired Major Salvador Carmona Bernasconi were arrested in November 1992 following an attempted coup d'état. They were reportedly held incommunicado for 10 days on the premises of the National Intelligence Service at Lima. They were all reported to have been subjected to such torture as beatings, electric shocks and being suspended.

444. Alberto Calipuy Valverde and Rosenda Yauri Ramos were arrested in March 1993 in the district of Angasmarca, province of Santiago de Chuco, department of La Libertad. They were found dead shortly thereafter in a deserted area. According to information received, they died as a result of ill-treatment inflicted at the military base.

445. Wigberto Vásquez Vásquez, President of the Committee for the Defence of the Interests of the People of San Ignacio; Plácido Alvarado Campos, President of the Provincial Federation of Rural and Urban Brigades; Víctor Morales Labán, President of the United Federation of Peasants and Brigades of San Ignacio (FUCASI); Crisanto Velásquez Flores, Director of FUCASI; Guillermo Granda Rodríguez, President of the Comittee of Agrarian Producers of San Ignacio; Guillermo Oyola Cornejo, secretary of the Provincial Federation of Rural and Urban Brigades of San Ignacio; Javier García Huamán, peasant; Benjamín García Huamán, peasant; Daniel Cruz Bautista, peasant; and Samuel Huamán Huamán, peasant. According to the information received, these 10 members of the Committee for the Defence of the Forests of San Ignacio, province of San Ignacio, department of Cajamarca, were arrested on 27 June 1992 by members of the police and subjected to such forms of torture as beatings, suspension or immersion of the head in water.

446. Marcos González Tuanama was arrested on 29 April 1992 by a military patrol and taken to Mariscal Cáceres military base in the department of San Martín. While under interrogation he was reportedly subjected to torture in the form of electric shocks and beatings.

447. Antero Peña Peña, a peasant leader and ex-President of the Quispampa Community (Huancabamba province, department of Piura) and Manager of the Regional Agrarian Federation of Piura, was arrested on 27 May 1993 by members of the army stationed in Huancabamba. For three days he was allegedly severely beaten, losing consciousness on several occasions, and he was threatened with death if he disclosed his ill-treatment.

(d) Urgent appeals

448. The Special Rapporteur sent an urgent appeal to the Government on 22 June 1993 concerning María Lucero Cumpa Miranda, who was detained in Lima by members of the police early in May 1993. Another appeal was made on 16 August 1993 on behalf of Juan Abelardo Mallea Tomailla, a taxi driver, who was detained in Lima on 10 July 1993 by members of DINCOTE.

Information received from the Government with respect to cases included in previous reports

449. On 18 December 1992 the Government sent a reply on the cases of Jorge Nabid León Ramírez and his brother César, reported to have been seriously beaten outside their home in Ayacucho in January 1992. The Government indicated that these persons had neither been arrested by military personnel nor ill-treated by members of the Huamanga Garrison.

Information submitted by the Government in connection with Commission resolution 1993/48

450. The Government submitted a number of notes verbales reporting on activities carried out by the Shining Path and MRTA terrorist groups in different parts of the country, including, selective murders, indiscriminate car bombings, threats against the life, person or property of individuals and kidnapping.

451. The Government also provided information on a number of decrees promulgated in 1992 and 1993 in order to combat terrorism and pacify the country, including measures for reducing sentences and for repentance and amendments to the Code of Military Justice intended to protect better the rights of those accused of terrorism and treason. The Government also submitted information on its policy for the defence and promotion of human rights within the context of the pacification policy. It was further reported that, in the previous months there had been a reduced number of encounters between security forces and terrorist organizations and, therefore, the number of allegations of human rights violations had decreased.

Observations

452. The Special Raporteur understands the gravity and ferocity of the insurgency that has confronted Peru since 1980. The atrocities committed by the insurgents no more justify torture than they do enforced disappearances or summary executions. The impunity effectively enjoyed by those responsible for such crimes calls for firm action backed by political will with a view to ensuring individual accountability by the security forces.

Portugal

Information transmitted to the Government

453. By letter dated 3 November 1993 the Special Rapporteur informed the Government of reports he had received concerning the following two cases:

(a) Francisco Carretas and a friend were arrested by agents of the Almada gendarmerie (GNR) unit in Charneca da Caparica on 6 February 1992. At the moment of arrest and later, at the GNR post, they were reportedly beaten and verbally threatened. They were then taken to a forest near Almada where three officers allegedly kicked and punched them; one officer allegedly also threatened to assault Francisco Carretas sexually. He was later treated for his injuries in the Garcia de Orta hospital in Almada. An X-ray allegedly showed a suspected fracture of the coccyx, while photographs taken after his release showed serious and extensive bruises on the back, buttocks and legs. A judicial inquiry was reportedly opened.

(b) Orlando Correia, a French citizen of Portuguese origin, was reportedly physically assaulted by officers of the judiciary police on 9 September 1992, while in preventive detention in Guarda prison on charges relating to drug-trafficking. He was said to have been admitted later to the emergency service of Guarda hospital in a state of unconsciousness. According to the medical certificate issued by the hospital, he had bruises and scratches on his chest and back. The Office of the Director General of the judiciary police reportedly opened a disciplinary investigation into the matter at the end of September.

Republic of Korea

Information transmitted to the Government and replies received

454. By letter dated 26 August 1993 the Special Rapporteur informed the Government that he had received reports of prisoners being beaten, deprived of sleep and forced to do repeated physical exercises during interrogation. The reports also indicated that in very few cases had the Government instituted independent and impartial investigations and few cases had led to prosecution of law enforcement officials. Abuses had, in particular, been carried out by the Agency for National Security Planning (ANSP) which could detain and interrogate prisoners for up to 20 days before charges were made. The individual cases described in the following paragraphs were transmitted to the Government.

455. Chun Hee-sik, a trade union activist, was arrested by ANSP members on 4 September 1992. He was held in custody at the ANSP facilities in Namsan or 48 hours, during which time he was reportedly severely beaten and allowed to sleep for only four hours. After his release he was admitted to a Seoul hospital for treatment. He filed a complaint with the Seoul District Prosecutor's Office about his treatment at the ANSP premises.

456. On 29 November 1993 the Government replied that Mr. Chun had filed a complaint at the Seoul District Prosecutor's Office alleging that he was not treated properly during interrogation by the officials of the Agency for National Security Planning. His complaint was being investigated by the Prosecutor's Office.

457. Song Hae-suk was arrested on 9 September 1992 by ANSP officials, who reportedly beat her and threatened her with sexual abuse in order to make her sign a statement about her husband's alleged spying activities. This incident took place in the presence of her three-year-old son who was allegedly abducted with her and not released until 19 September.

458. On 29 November 1993 the Government replied that Mrs. Song had been arrested on charges of assisting espionage activities and had later been sentenced to 18 months' imprisonment with a stay of sentence for two years. The allegation of maltreatment was unfounded. No such allegation had been made by her or her representatives before or during her trial.

459. Son Byung-son, a Minjung Party candidate in the March 1992 parliamentary elections, was arrested on 26 September 1992 at his family home in southern Seoul. According to the reports, he was beaten continually for three days by a group of 13 men; on the fourth day he was allegedly forced to do repeated physical exercises, such as squatting with his arms stretched out and standing on his hands. It was also reported that he had been treated by a doctor on several occasions; this included massage and the administering of injections.

460. On 29 November 1993 the Government replied that Mr. Son had been arrested on 26 September 1992 on charges of espionage. His case was pending in the Supreme Court. On 11 June 1993 he had filed a complaint at the Seoul District Prosecutor's Office with regard to his treatment during interrogation. The complaint was being investigated.

461. Baik Tae-ung, alleged leader of the banned Socialist Workers League (Sanomaeng), was arrested on 29 April 1992 by ANSP agents and allegedly subjected to interrogation for 22 days. According to the reports, he testified in court that during this time he had been subjected to various types of torture, such as sleep deprivation, drug injection and mob beating.

462. On 29 November 1993 the Government replied that the allegation of maltreatment was unfounded. It had not been substantiated during the trial and Mr. Baik had not filed a complaint.

Urgent appeals

463. The Special Rapporteur sent an urgent appeal on 22 July 1993 on behalf of Noh Tae-hun, a human rights activist who was reportedly arrested by officers of the Security Division of the National Police Administration in the early evening of 15 July 1993, while he was visiting the office of his lawyer. The warrant of arrest shown by the police was reportedly incorrectly filled in. When the lawyers urged the police officers to follow the correct legal procedures, they were reportedly beaten and threatened.

464. With respect to this case the Government replied on 5 August 1993 that the warrant of arrest for Mr. Noh was issued by a judge of the Seoul Criminal District Court on 15 July 1993. The form of the warrant was correct. It showed the place of detention (Yongsan police station) and a summary of charges against him. From 15 to 23 July, Mr. Noh was detained at Yongsan police station for interrogation. During that period, he met his attorneys every day and his family members six times. Since 23 July 1993, Mr. Noh had been in custody at the Seoul detention centre pending trial. He was not restricted from meeting his attorneys or family members.

465. On 24 September 1993 the Special Rapporteur sent another urgent appeal on behalf of Kim Sam-sok and his sister Kim Un-ju, who were reportedly arrested without warrants on 8 September 1993 by the Agency for National Security Planning under the National Security Law. It was also alleged that they were beaten and deprived of sleep during interrogations. According to family members who were permitted brief access to the detainees, they were in a trance-like state.

466. With respect to this case the Government replied, on 22 October 1993, that on 8 September 1993 Kim Un-ju had been arrested on suspicion of engaging in espionage activity; a warrant of arrest had been issued on 10 September 1993. He and his sister had been detained at Jungbu police station for interrogation. On 24 September their cases had been transmitted to the Public Prosecutor's Office of the Seoul Criminal District. At the time of the reply they were in custody at the Seoul detention centre pending indictment and trial. They had been treated humanely during interrogations. No complaint had been filed by their family members or attorney with regard to their treatment while in detention.

Information received from the Government on cases included in previous reports

467. On 12 November 1992 the Special Rapporteur communicated to the Government information received about the allegations of torture inflicted upon Kim Nak-jung, Shim Keum-sup, Kwon Du-young and Noh Jong-sun, arrested in August 1992 and taken to the Agency for National Security Planning.

468. On 15 July 1993 the Government replied that Kim Nak-jung had been taken to the Agency for National Security Planning for questioning on 25 August 1992; this was done with his consent; he was arrested on charges of espionage on 27 August 1992. Shim Keum-sup, Kwon Du-young and Mr. Noh Jong-sun were arrested on 27 August, 30 August and 29 August 1992, respectively, under warrants; after the arrests, they were permitted to

meet their lawyers in accordance with the pertinent laws and regulations; the reports of beatings and sleep deprivation were unfounded; no such allegations had been made by the accused themselves or their representatives before or during their trials.

Romania

Information transmitted to the Government

469. By letter dated 26 August 1993 the Special Rapporteur informed the Government that he had received reports alleging that police officers resorted to torture and ill-treatment of detainees frequently in order to force them to make confessions which were later used as evidence in the courts. The following individual cases were reported:

(a) Stefan Tasnadi, an ethnic Hungarian from Sic commune, Cluj county, was arrested on 25 August 1992. While being taken to the police station in the town of Gherla, Cluj county, Mr. Tasnadi was allegedly beaten with a rubber truncheon and a loaded weapon. Upon arrival, he was beaten on the face, neck and hands with truncheons and fists. According to a medical certificate issued after his release, he received wounds requiring five to six days' medical attention. Despite the filing of an official complaint to the Military Procurator's Office, no investigation was reported to have taken place.

(b) Mihai Poteras was arrested at the end of February 1993 in the village of Tudora-Botosani on suspicion of theft and taken to the police station in Pascani, where he was allegedly beaten savagely for five days. After his release he was examined by a forensic expert in Bucharest and later admitted to the St. Spiridon hospital in Iasi for medical care.

(c) Doru Marian Beldie, aged 19, was arrested in Bucharest on 16 June 1992 on suspicion of homosexual activity. He was taken to the 17th District police station where he was reportedly beaten with truncheons on the palms of the hands and soles of the feet for several hours.

(d) Marcel Brosca, a 20-year-old student, was arrested on 7 March 1992 in Tecuci and taken to the police office in the railway station, where he was reportedly beaten for three or four hours. He was allegedly pulled by the hair; the sides and the back of his head were beaten against the table and the wall until blood poured over his face; his arms were twisted and he was beaten on the soles of his feet with truncheons. He finally signed a statement indicating that he had forced a minor to have homosexual relations with him.

470. The Special Rapporteur was also informed of an incident involving ill-treatment of members of the Roma community in Bucharest on 3 July 1992. According to the reports, between 40 and 50 soldiers belonging to military police unit UM 02180 came to the market at Piata Rahova armed with rubber truncheons, chair legs and pickaxes and proceeded to attack indiscriminately Roma people who were at the market. As a result, several persons were seriously injured, among them Mircea Gheorghe. He was allegedly hit with a stick on the head, which made him lose consciousness; the soldiers, however,

continued to beat him despite the bleeding from his head. The Institute of Legal Medicine of Bucharest stated three hours later that Mircea Gheorghe had suffered a 4 cm-long lesion on his head and multiple, large contusions on the right shoulder, chest, thigh and calf.

471. The Special Rapporteur also received a report on the prison conditions prevailing in the country. They referred to the continuing use of methods of restraint such as handcuffs and leg irons for very long periods as a form of punishment, or the frequent use of isolation cells as a means of punishment for relatively minor breaches of the internal prison rules.

Rwanda

Information transmitted to the Government

472. By letter dated 26 August 1993 the Special Rapporteur advised the Government that he had received information concerning the following persons, allegedly arrested and tortured in 1991:

(a) Obed Bazimaziki and Adrien Rangira, editors of the newspaper Kangura, were arrested in Kigali on the morning of 10 December 1991 and taken to the President's Office, where they were beaten with clubs and wires. The next day, their mouths were taped with material soaked in hot pepper before they were taken to the Kami military camp.

(b) Providence Kayitesi, sister of journalist Adrien Rangira, was arrested in Kigali on 21 December 1991. She was allegedly interrogated at the President's Office for two days and beaten with electric wires and sticks.

(c) Désiré Murego, a student at the Butare Economic and Social School, was arrested on 19 August 1991 and taken to the Central Intelligence Department for questioning, during which he was beaten very violently on the hands and feet with sticks and electric wires.

(d) Jean-Baptiste Gacukiro, owner of a small company in the Gisenyi region, was arrested on 5 April 1991 and taken to the Bigogwe camp, where he was violently beaten, in particular with rifle butts.

(e) Abdulkheri Mbarushimana was arrested in Kigali on 19 August 1991. He was held at the Central Intelligence Department for six days, during which time he was allegedly clubbed, punched and beaten with electric wires.

(f) Oswald Manzi and Faustin Rutalindwa, technicians with the BIFMAR company, were arrested in Kigali on 25 July 1991 and taken to the President's Office, where they were allegedly severely beaten and forced to sign a statement.

473. The Special Rapporteur was also informed that, in February 1993, members of the security forces arrested a large number of Tutsi citizens in the streets of Kigali, took them to military bases and tortured them. At least 19 of them, including Kituku Hayidarusi, were killed; their bodies showed signs of severe beatings.

474. By the same letter the Special Rapporteur reminded the Government of allegations transmitted to it in 1992 regarding which no reply had been received.

Saudi Arabia

Urgent appeals

475. On 23 June 1993 the Special Rapporteur sent an urgent appeal to the Government on behalf of 'Abdullah al-Hamed, a writer and lecturer at al-Imam Muhammad bin Saud University in Riyadh, as well as a founding member of Lujnat al-Difa' 'an al-Hugug al-Shar'iyya (Committee for the Defence of Legitimate Rights). He was reportedly arrested at his house by members of al-Mabahith al-'Amma (General Intelligence) on 15 June 1993 and was being held in incommunicado detention. Fears were expressed that he might be subjected to torture. Another member of the above-mentioned Committee, Dr. Muhammad 'Abdullah al-Mas'ari, had also been held incommunicado since his arrest on 15 May 1993 and was said to have been deprived of sleep for prolonged periods.

Senegal

Information transmitted to the Government

476. By letter dated 26 August 1993 the Special Rapporteur informed the Government of reports he had received concerning the following persons:

(a) Mody Sy, a parliamentarian belonging to the Senegalese Democratic Party was arrested in Dakar on 20 May 1993. He was held for one week in the police station on Thiong Street, where he was allegedly tortured to make him confess that he had taken part in the murder of the Vice-President of the Constitutional Council. According to the information received, electric shocks were applied to his fingers and genitals. One month later, he was still under medical treatment and his lawyer had reportedly not been able to get an investigation started into the allegations of torture.

(b) Ramata Guèye, a mango seller, was arrested on 14 July 1993 in connection with the same investigation as Mr. Sy. She was allegedly tortured first at the Pout police station near Thiès and then at the Thiès police station. Two days later, she was released without charges. A medical report made after her release stated that she had bruises on the right hand and buttocks and a sprained finger; hair had been pulled out of her head and there was blood in her urine.

Sierra Leone

Urgent appeals

477. On 21 April 1993 the Special Rapporteur sent an urgent appeal to the Government on behalf of Ernest Allen, Permanent Secretary at the Department of Defence; Fatmata Binta Jalloh, businesswoman; Foday Kallon, employee at the Ministry of Foreign Affairs; Rosaline Kamara, official at the Sierra Leone

Embassy in Russia; Ernest Bai Koroma, Managing Director of Reliance Insurance and Transport Corporation of Sierra Leone; and Bockarie Samura. According to the reports, these persons were arrested on about 18 March 1993 on suspicion of involvement in a plot to overthrow the Government. However, they had allegedly not been charged with any offence and were detained incommunicado. Fears were expressed that they might be subjected to torture or ill-treatment.

South Africa

Urgent appeals

478. On 17 August 1993 the Special Rapporteur sent un urgent appeal to the Government on behalf of the following persons: Thabo Sejanamane, coordinator for the non-governmental organization called Mafikeng Anti-Repression Forum; Themba Gwabeni, chairperson, Mafikeng branch of the African National Congress (ANC); Nomvula Hlongwane; Ephraim Motoko; Gordon Kgamanyane and Johannes "Jones" Molefe, all Mafikeng ANC branch executive members.

479. According to the reports, Thabo Sejanamane was arrested at his home by officers of the Bophuthatswana "homeland" security police at about 3 a.m. on 13 August 1993. The police reportedly confiscated documents and reports about the human rights situation in Bophuthatswana. Nomvula Hlongwane, Ephraim Motoko, Gordon Kgamanyane and Johannes Molefe were arrested at their homes by Bophuthatswana security police officers in the early hours of 12 August 1993. Themba Gwabeni was arrested at about 10 a.m. on the same morning at his workplace. It was also reported that lawyers representing the detainees asked the police where they were being held, under what legislation, and the reasons for their detention, but the police did not provide this information or grant lawyers access to the detainees. Relatives had nevertheless been allowed to hand clothing into Mmabatho police station for them. Given the circumstances in which they were being detained, fears were expressed that they might be subjected to torture or ill-treatment.

480. In the same appeal the Special Rapporteur brought to the Government's attention information he had received on the arrest, on 17 August 1993, of Louis Sibeko, secretary of the Thokoza Civic Association. Members of the South African Police allegedly burst into his house at Seronyela Street, Thokoza, and took him to the headquarters of the Political and Violent Crime Unit. Fears were also expressed that he might be subjected to torture or ill-treatment.

481. Another urgent appeal was sent on 26 August 1993 on behalf of Makgowa Letele, Bushy Boy Machere, Power Makgothi, Lucky Maponya, Gift Moeti Mokoena, Ini Mokoena, Jabu Mokoena, Buti Moloi, Motlalepule Motloung, Tshepo Sewetsang and Buti Thinane. They were reportedly arrested in Thokoza on 17 August 1993, the same date on which Louis Sibeko was also arrested. They were all reportedly being held at Boksburg prison under section 3 (1) of the "Unrest Areas" (emergency) regulations, which permitted the police to hold a person without charge or trial for 30 days and left access to the detainee at the discretion of the police authorities. In view of the circumstances fears were expressed that they might be subjected to torture or ill-treatment.

Spain

Information transmitted to the Government and replies received

482. By letter dated 26 August 1993 the Special Rapporteur advised the Government that he had received information according to which although article 520 of the Criminal Procedure Act provided for a period of 72 hours before a detainee had to be brought before the court, articles 520 *bis* and 527 altered this rule with respect to persons detained under suspicion of collaboration with or membership of armed bands or terrorist groups. Thus, the period of 72 hours might be extended by another 48 hours pending a court order and at the request of the police, who were not required to bring the detainee in person before the court in order to obtain the order. Moreover, throughout this period, the detainee might be kept incommunicado, which meant in particular that he was denied the assistance of a lawyer of his choice and could not inform his family or friends of his place of detention. According to the sources, this legal situation facilitated the practice of torture and ill-treatment.

483. It was also reported that law enforcement officials who had been condemned for torture of ill-treatment of detainees had in some cases remained in active service and had sometimes been promoted or pardoned. Moreover, no precautionary measures had been taken, such as suspension from duty while the matter was still pending, even though a particular case could take years to solve.

484. The Special Rapporteur also informed the Government about allegations received on the cases described in the following paragraphs, to which the Government replied on 13 December 1993.

485. Kepa Urra Guridi was arrested on 29 January 1992 by the Civil Guard in Basauri. According to reports he was taken to the woods for approximately one hour before being taken to La Salve barracks. Some eight hours later he was admitted to the Hospital Civil de Basurto which reported numerous bruises on the face, hands, wrists, legs and thighs, with damage to the muscle tissue. Two neck injuries were subsequently diagnosed. According to statements made by Mr. Urra two days later, the bruises were the result of beatings inflicted after his arrest. He also claimed to have been subjected to suffocation with a plastic bag over the head, as well as to mock executions. Examining Magistrate No. 8 of Bilbao opened a judicial inquiry with respect to these claims of torture.

486. With respect to this case the Government sent a report issued by the Civil Guard according to which at the moment of the arrest, as well as during the transfer from Basauri to La Salve barracks, Mr. Urra Guridi violently confronted the arresting agents, who had to use physical force in order to carry out the arrest. Any injury sustained by Mr. Urra was, therefore, the result of this struggle. While in the barracks he was found lying on the ground of his cell and was immediately taken to hospital, since a doctor diagnosed cardiac arrhythmia. In the context of the judicial investigation being carried out following the complaint filed by his wife, several members

of the forces which took part in the arrest were requested to make statements before Magistrate No. 8. No charges had, however, been brought against any particular agent. The contents of the medical reports were not known.

487. On the other hand, the Government also provided the Special Rapporteur with a copy of a report sent to Magistrate No. 8 by the Chief Attorney of Bilbao indicating the circumstances in which Mr. Urra was arrested. The report also indicated that representatives of judicial authorities who visited Mr. Urra at the Basurto hospital on 30 January 1992 found that he was in a situation of total disorientation and that he bore multiple injuries and bruises of recent origin. A few hours later a nurse who was urgently called to Mr. Urra's room, found there two men who identified themselves as members of the Civil Guard and saw that the detainee had blood in his mouth. He was subsequently examined by a forensic physician who also found multiple injuries and bruises. When asked about their origin the detainee gave a full account of the treatment to which he had been subjected, including beatings, suffocation and death threats. He indicated that the ill-treatment had continued at the hospital. A copy of the medical report containing all the details of Mr. Urra's state of health was also provided by the Government.

488. Manuel Muiños García, an inmate at Puerto-2 prison, Cádiz, was reported to have been brutally beaten on 14 August 1992 by prison officials who tried to tie him to his bed, apparently as a punishment for having insulted them. As a result of this assault Manuel Muiños reportedly suffered a broken nose and split lips, and one of his eyes was totally closed by swelling. In this state, he allegedly remained tied to his bed for several hours before he was seen by a doctor. On the following day he was transferred to Valencia prison. A claim of ill-treatment was lodged with the Prison Inspection Judge of Valencia.

489. With respect to this case the Government provided a report issued by the "Dirección General de Instituciones Penitenciarias" indicating that Mr. Muiños had attacked several members of the prison staff. As a result of the struggle which followed four agents as well as the prisoner had had to be taken care of at the prison's medical service for slight injuries.

490. Eduardo Basabe Larrinaga and Germán Cristóbal Aznar were reportedly beaten severely during their transfer from Ocaña 1 prison in Cuenca to Nanclares de Oca prison in Alava by the Civil Guards responsible for escorting them on 17 August 1992. The family lodged a complaint with the court of Gasteiz on 27 August 1992.

491. Pako Etxebeste Arozena, an inmate at the provincial prison of Martutene-Donostia, was reported to have been severely beaten during his transfer from Burgos prison on 18 August 1992, as a result of which he suffered injuries to one eye and to the jaw area, and multiple bruises to the head. The family filed a complaint with Court of Investigation No. 2 at San Sebastián on 19 October 1992.

492. Regarding the above three cases the Government forwarded a report made by the 111 post of the Civil Guard indicating that judicial authorities had requested information about the identity of the agents who took part in the said transfers and had questioned some of them. However, nobody had been

found responsible yet in connection with the alleged torture and, therefore, no disciplinary sanctions had been imposed. It was also reported that the medical reports issued on their arrival at the above-mentioned prisons did not indicate any signs of injuries.

493. Arnaldo Otegi Mondragón was reportedly beaten up by a group of five Civil Guards on 10 September 1992 upon arrival at Herrera de la Mancha penitentiary centre from the provincial prison of Ciudad Real. On 15 September he was transferred to Alcalá-Meco penitentiary centre where he was once again the victim of aggression.

494. With respect to this case the Government sent a report of the 111 post of the Civil Guard indicating that Mr. Otegi had attacked an agent who had proceeded to search him at his arrival at Herrera de la Mancha prison. A complaint had been filed with the Examining Magistrate No. 1 of Ciudad Real. On 15 September 1992 he was transferred from the Alcalá-Meco prison to the Zaragoza prison. Subsequently, judicial authorities requested information from the Civil Guard about the identity of the agents who took part in the transfers between the provincial prison of Ciudad Real and the Herrera de la Mancha penitentiary centre, as well as between the Alcalá-Meco prison and the Zaragoza prison. However, nobody had been found responsible yet in connection with the alleged torture and, therefore, no disciplinary sanctions had been imposed. It was further reported that the medical report issued on arrival at the Madrid prison indicated bruises on the upper lip.

495. Koldo Arrese Garate, an inmate of the prison of Daroca in Zaragoza, was reported to have been severely beaten, notably with an iron rod, by prison officials and members of the Civil Guard on 12 September 1992. The prison doctor diagnosed numerous injuries to the arms, shoulders, knees and genital area resulting from this beating. The family was also able to observe these injuries during a visit which took place one week after the above events. On 30 September 1992 a complaint was filed with the Prison Inspection Judge of Zaragoza.

496. With respect to this case the Government provided information about the riots which took place in the Daroca prison, in the context of which Mr. Arrese seemed to have been injured. Mr. Arrese's name, however, did not appear in the initial list of inmates who were injured following the intervention of the forces of order. Mr. Arrese filed a complaint with the Daroca Examining Magistrate on 18 September 1992. However, the judicial investigation still continued. Further information provided by the Government indicated that, according to the medical report, Mr. Arrese had multiple bruises on several parts of his body.

497. Imanol Txabarri, under house arrest in the French town of Cahors, was handed over to the Civil Guard on 10 July 1993 and transferred to the headquarters of the Civil Guard in Madrid. According to his statements made before the regular judge of Central Court No. 2 of the National High Court on 13 July, Mr. Txabarri was allegedly beaten repeatedly on the head and testicles, and was kept blindfolded throughout the period of his detention.

498. Regarding this case the Government replied that the allegations of ill-treatment were false. Mr. Txabarri had been examined by a forensic physician of the Figueras and La Bisbal Courts who certified that there were no marks of injuries. A second medical examination was carried out on 11 July 1993 by the forensic physician of the "Audiencia Nacional", the results of which were not known. No member of the Civil Guard had been charged in connection with the said allegations.

499. The Government also provided the Special Rapporteur with information about article 520 and other articles of the Criminal Procedure Act, designed to protect the rights of detainees. Only in the cases of organized crime was the judge allowed, at the request of the police, to extend the duration of detention to a maximum of five days and to order that the detainee be kept incommunicado. Even in these cases, however, the detainee was not deprived of legal assistance and was entitled to daily medical examinations. It was mentioned that complaints of torture or ill-treatment were commonly filed by members of the ETA terrorist group as a strategy to undermine the reputation of the Forces of Order. In addition to this, the Government provided a list of 30 officials convicted of torture in trials held since the beginning of the 1980s.

Sri Lanka

Information transmitted to the Government

500. By letter dated 3 November 1993 the Special Rapporteur advised the Government that he had received reports according to which prisoners still continue to be tortured and ill-treated in both military and police custody, despite positive measures taken by the Government since 1992 in order to improve the human rights situation in the country. These measures include, for instance, the issuance of circulars by the security forces on arrest and detention procedures intended to avoid abuses, as well as the establishment of the Human Rights Task Force, a body entrusted with monitoring the observance of the fundamental rights of detainees.

501. However, special legal provisions which differ from normal criminal procedure are still in force and can be applied to prisoners detained under the Emergency Regulations or the Prevention of Terrorism Act (PTA). Thus, prisoners held under the PTA need not be brought before a judicial authority for 90 days, and under the Emergency Regulations prisoners can be held for 30 days before a magistrate sees them. Also, confessions made before a police officer of the rank of assistant superintendent of police or above are admissible in court under the Emergency Regulations, unlike under normal criminal law, which requires confessions to be made before a magistrate in order to protect prisoners from confessing under duress. Furthermore, under these provisions prisoners need not be held in publicly known places of detention and officials of various ranks are empowered to decide where detainees can be held, without any requirement that they make these places publicly known. According to the sources, all these elements facilitate the practice of torture.

502. It was also reported that in the north-east torture and ill-treatment of prisoners continued in military, Special Task Force and police custody. Methods of torture include severe beatings; electric shocks; burning with cigarettes or matches; pouring petrol into prisoners' nostrils and then placing a plastic bag over their heads; suspending prisoners from their thumbs and beating them; beating with barbed wire and repeatedly submerging prisoners' heads in water while they were suspended from their ankles. Women have reported being raped by soldiers. Torture was also reported to occur in both police and military custody in the south with respect to political detainees arrested under the Emergency Regulations and the PTA, as well as criminal suspects. It was further reported that, in the majority of cases, victims of torture do not file complaints or report their cases to governmental or non-governmental bodies for fear of reprisals.

503. In addition to the foregoing the Special Rapporteur received affidavits concerning the following two cases:

(a) Sinnathurai Mohan, from Mylanny North Chunnakam, went to Thirukeetheswamram on 16 January 1991 for reasons related to his business. On the boat to Vidathiilithivu he was reportedly arrested by members of the Sri Lankan navy together with three other persons. After being beaten he was allegedly handed over to the Sri Lanka army which took him to the Thallady army camp where he was allegedly beaten again and hung by the thumbs of his hands. For the three following days he was made to stay in a room called the "meat stall" as it was covered in a pool of blood. On 17 November 1991 he was taken to the Kalutara prison where he was frequently assaulted. He was released in August 1992.

(b) Packinyanathan Anton was arrested at sea on 14 October 1990 by members of the Sri Lankan navy and taken to Karainagar camp where, for several days, he was reportedly hung upside-down and beaten with iron rods and clubs. He was subsequently transferred to the Palaly prison where he was reportedly forced to eat pieces of shoe leather and cotton dipped in diesel oil. For some months, the beatings reportedly continued and he was kept blindfolded and handcuffed. He was released in July 1993.

Sudan

Urgent appeals transmitted to the Government and replies received

504. During the period under review the Special Rapporteur sent 12 urgent appeals to the Government on behalf of persons said to have been arrested and to be at risk of being tortured. Summaries of these appeals are reproduced in the following paragraphs. The dates on which they were sent appear in parentheses at the end of each summary.

505. Sayed Ahmed Abdel Rahman El Mahadi, an Ansar leader and former Minister of the Interior, was reportedly arrested by members of the security forces who stormed into his house on 17 April 1993. According to the reports, his son Mohamed was also arrested and brutally beaten while in detention and was later left unconscious near his house in Omdurman. (28 April 1993)

506. With respect to this case the Government replied on 3 May 1993 that Sayed Ahmed Abdel Rahman Elmahdi had been summoned by the competent security authorities for questioning. After completing the inquiry, he had been immediately released on the same day. He was not arrested and his residence was not stormed by members of the security forces. His son was neither arrested nor summoned for questioning by the security authorities.

507. Siddig Mohamed Eltom, a student at Ahlia University, was arrested on 9 April 1993 following a peaceful demonstration in Omdurman. According to the reports, other people arrested in connection with the same incidents were released the following day, after having been severely beaten. Siddig Mohamed Eltom, however, was reported to be still in custody in a detention centre situated behind the City Bank. (7 May 1993)

508. Mohamed al Mahdi, Imam of the Wad Nubawi mosque in Omdurman; Abdel Mahmud Abbo, Imam of the Guba mosque in Omdurman; Abdullah Ishaq, director of religious guidance in the Ansar Affairs office. These three senior members of the Ansar Islamic sect were reportedly arrested on 29 April 1993. Abdel Rahman Yunis, resident representative of the Ansar Imam, was arrested in Ad-Damazin, a provincial town some 300 miles south-east of Khartoum. Al Fadl Omar was also reportedly arrested in Ad-Damazin, along with seven other men. Al-Hadi Adam, resident representative of the Ansar Imam in Nyala, was reportedly arrested in that town. Musa Abdallah al-Bashir was reported to have been arrested in Ed-Dueim, a town some 140 miles south of Khartoum. Al-Zahawi Ibrahim and Mustafa Abd al-Gadir Abd al-Latif were reportedly arrested in Wad Medani.

509. These arrests, alleged to have taken place in April 1993, were believed to be related to the circulation of a speech which called for the return of multi-party democracy originally made by Sadiq al-Mahdi in Omdurman in late March following prayers to celebrate the Eid al-Fitr. Abdul Rasoul al-Nur Ismael, who was originally arrested with Sadiq al-Mahdi on 5 April 1993 and later released, was reported to have been rearrested together with Mirghani Abdel Rahman Suleiman and Fadlalla Burma Nasir, both senior members of the Umma Party, in connection with an alleged plot to overthrow the Government. (14 May 1993)

510. On 18 August 1993 the Government informed the Special Rapporteur that Alzahawi Ibrahim had been arrested on 3 May and faced criminal charges; Abdul Rasoul Al Nur Ismael on 2 July and faced the same charges; and Mirghani Abdelrahman Salman on 29 April, also on criminal charges. None of the other persons mentioned in the appeal had been arrested.

511. Dr Ibrahim al-Amin, ex-cabinet member, arrested around 11 April 1993 allegedly in Khartoum; Mohammed Abdel-Rahim, arrested in El-Obeid; Mohammed Yussuf Hassan, arrested in Wad Medani; Ibrahim Ali Abdelgadir Fageer; al-Sadiq Ibrahim; Abdel Bagi Taj al-Din, Omda of the Shanabla tribe; Osman Idris Habani, teacher; Berier Mohamed al-Tom, teacher; Hussein Ahmad Fadl, merchant: these persons were reportedly arrested in Ad-Dueim, a town some 140 miles south of Khartoum in April or May 1993.

512. Dr. Yahia Mukwar, a member of the democratic Unionist Party and Abdel-Rahim al-Hussein, a businessman and member of the Democratic Unionist Party, were reported to have been arrested in Khartoum. Abdelrahman al-Khair Abdelwahab, a farmer and Mamoun Yousif, a member of the Ansar religious order and resident representative of the Ansar Imam, were reportedly arrested in Kassala, in eastern Sudan. Abdel Ghani Mohamed Omar al-Amir, a member of the Umma Party, was arrested in Ad-Damer, a town approximately 170 miles north of Khartoum. All these arrests reportedly also took place in April or May 1993.

513. In addition, the Special Rapporteur received information concerning the arrests in Khartoum in late April or early May 1993 of the following persons believed to have been involved in a plot to overthrow the Government: Major-General al-Fatih Mohamed Abdel A'al, retired army officer; Colonel Mustafa Ahmad al-Tai, retired army officer; Colonel Mohamed Hassan Osman al-Zubeir, retired army officer; Lieutenant al-Tayib Nuor al-Daim Mohamed, retired army officer; Haidar al-Tigani, retired army officer; Gaafar Yassin Ahmad, pharmacist; Osman Mohamed Ali Gumma; al-Tiraifi al-Tahir Fadur; Yasir Abu Zeid Ahmad; al-Hassan Ahmad Salih Mohamed; Mubarek Mohamed Abdalla Gadeen; Fadlalla Burma Nasir, former Minister and member of the Umma Party; Mirghani 'Abd al-Rahman Suleiman, member of the Democratic Unionist Party; Osman Mustapha Mahjoub. Eight of them, including Colonel Mustapha Ahmad al-Tai and Osman Mustapha Mahjoub, were shown on Sudanese television on 26 April 1993. They were shackled and were reported to have bruises, suggesting that they had been beaten. (26 May 1993)

514. The following members of the banned Umma Party and of the Fur ethnic group were reportedly arrested in the western region of Darfur in late April 1993: Mohamed Atim Mohamed Salam, former member of parliament; Yusif Mohamed Sharaf al-Din, director of an agricultural project; Nasr al-Din Tambur, teacher; Yacoub Khamis, former member of parliament; Omer Haroun, former minister in regional government; Fiqi Salih Ibrahim, head of Darfur State religious department; Mohamed Sowar Adam; and al-Zubeir Mohamed Khamis: They were alleged to have been beaten by security officers, and Nasr al-Din Tambur to be seriously ill as a result of ill-treatment. They were reportedly held incommunicado, possibly in Zalingei in Southern Darfur or in al-Fasher, the capital of Northern Darfur. (14 June 1993)

515. Yousif Hussein, Abdel Karim Abdel Jaliel and Nadir Mahjoub Mohamed Salih, members of the banned Sudan Communist Party, were reportedly arrested on 11 June 1993 in Khartoum North and taken to an unknown place of detention. (25 June 1993)

516. The following members of the banned Umma Party were reportedly arrested on 16 June 1993 in El Fashir, Darfur region, allegedly on suspicion of plotting against the regional governor, and taken to an unknown place of detention: Ibrahim Mohammed Abbo, former member of Parliament for Darfur region; Abdalla Ali Masar, former regional minister for Darfur region; Dr. Abdel Latif Abdel Rahim, physician; Dr. Adam Mohammed Ahmed, former deputy governor of Darfur region; Abdel Rahman Ishaq, Umma Party representative in Nyala, Darfur region; Atim Mohammed Salama, local government official; Adam Ibrahim Khalil, Ministry of Agriculture official in Darfur region; Abdel Rahman Yousif, assistant medical officer. (5 July 1993)

517. On 20 July 1993 the Government replied that the above-mentioned persons had never been arrested.

518. The following leading members of the Nuba community in Khartoum, were reportedly arrested in late June by security officers at a number of different places in the city: Mohamed Hamad Kowa, former Minister of Tourism and member of the Sudan National Party; Mustafa Angelo, member of the Sudan National Party; Khamis Farajallah Kortel, priest; Angelo, teacher; Idris Shameila, teacher. They were allegedly being held incommunicado in an unknown location. (14 July 1993).

519. On 19 August 1993 the Government replied that these persons had never been arrested. Mohamed Hamad Kowa, former Minister of Tourism was leading his normal life in his house in Khartoum and had never been detained or called for interrogation by the security authorities.

520. Mamoun Elyas Mohammed Ahmed, a former police officer who was working as a public relations officer in the Saudi Arabian embassy in Khartoum was arrested in late August 1993 in Khartoum on suspicion of spying. Reports indicated that he had been tortured in custody.

521. El-Fadil Adam, a member of the banned Umma Party, was arrested in late August 1993 in Khartoum, apparently on suspicion of producing and distributing leaflets critical of the Government. His place of detention was not known. (15 September 1993)

522. On 23 September 1993 four women who had just communicated information to the Special Rapporteur on the situation of human rights in the Sudan, were arrested in front of the United Nations Development Programme (UNDP) office in Khartoum by members of the Sudanese police. The Special Rapporteur and three of his assistants personally witnessed the arrest and saw two of the women being brutally dragged along the street and forcefully thrown into police vehicles. A few minutes after the Special Rapporteur had left for the office of the Minister of Justice, the police brutally arrested, in front of many witnesses, a group of about 25 women who had been waiting in front of the UNDP office to meet him.

523. Baha'a al-Din Abul Gassim, aged 18, was reportedly arrested on 25 October 1993 outside his family home in south Khartoum by four armed plainclothed security officers. Baha'a Abul Gassim was the brother of Major Issam Abul Gassim, an army officer convicted of an attempted coup and executed in 1990. The arrest reportedly took place one day after Abul Gassim attended a meeting during which opposition was expressed to the Government's policies. It was alleged that armed security officials entered the house where the meeting was being held by force and violently broke up the gathering and beat those present. (5 November 1993)

524. Sid Ahmad al-Hussein, Deputy Secretary General of the banned Democratic Unionist Party, was reportedly arrested by security officials at his home in Khartoum on 17 November 1993. His arrest allegedly took place a day after he had organized a meeting at Omdurman Ahlia University during which he denounced policies of the current Government.

525. Abdalla Barakat, a prominent member of the Ansar order and supporter of the banned Umma Party, was reportedly arrested on 12 November in Omdurman. His arrest allegedly followed a speech in the Wad Nubawi mosque, in which he denounced the alleged rigging of elections in the Khartoum Students' Union.

526. It was also reported that in November 1993, students protesting the said election results occupied buildings in the university and confronted security police attempting to confine them to the campus. Rioting ensued and over 300 students were reportedly arrested. As of 16 November, 33 students were being held by security officials in a secret detention centre. (24 November 1993)

Observations

527. The Special Rapporteur appreciates the responses he has received from the Government in respect of some of the cases transmitted. The information available to him over the last two years tends nevertheless to be consistent with the view expressed in the interim report to the General Assembly of the Special Rapporteur charged with reporting on the situation of human rights in the Sudan that systematic torture occurs in the country (A/48/601, paras. 41-50, 98).

Syria

Urgent appeals

528. On 1 September 1993 the Special Rapporteur sent an urgent appeal to the Government on behalf of Hassiba 'Abd al-Rahman, who was reportedly arrested on 8 June 1993 at her home in Kafr al-Soussa, Damascus, allegedly on suspicion of having links with the banned Party for Communist Action. Since her arrest she had reportedly been held in incommunicado detention with no access to legal assistance. In these circumstances, fears were expressed that she might be subjected to torture or ill-treatment.

Tadzhikistan

Urgent appeals

529. On 29 March 1993 the Special Rapporteur sent an urgent appeal to the Government on behalf of Mirbobo Mirrakhimov, former chairman of Tadzhikistan's state radio and television company; Akhmadsho Kamilov, former director of national television; Khayriddin Kasymov and Khurshed Nazarov, television journalists. It was reported that these persons fled Tadzhikistan after government forces entered Dushanbe on 10 December 1992, but were all detained in January 1993 by local police in neighbouring states (Mirbobo Mirrakhimov in Ashgabat, Turkmenistan, and Akhmadsho Kamilov, Khayriddin Kasymov and Khurshed Nazarov in Osh, Kyrgyzstan) and handed over to the Tadzhik authorities. They were all reportedly charged with "conspiracy to overthrow the Government using the mass information media". According to the reports, they were being held at investigation-isolation prison (*Sledizolator* or SIZO) No. 1 of the Ministry of Internal Affairs in Dushanbe and had been severely beaten during interrogation. As a result Khayriddin Kasymov had reportedly

suffered a broken nose and jaw and had several teeth knocked out; Akhmadsho Kamilov had not been allowed to sleep or to sit for long periods. All four men had reportedly been denied access to medical treatment and to lawyers.

530. Another urgent appeal was sent to the Government on 15 April 1993 concerning Bozo Sobiron, a poet and, until November 1992, a leading member of the opposition Democratic Party, who was arrested on about 26 March 1993 at the airport of Dushanbe by procuracy officials. According to information received, he was being held at the investigation-isolation prison of the Ministry of Internal Affairs and had been denied access to his lawyer and family. Fears were expressed that he might be subjected to torture or ill-treatment.

Thailand

Urgent appeals

531. On 25 June 1993 the Special Rapporteur sent un urgent appeal to the Government on behalf of Maung Maung Than and Par Pa, two Burmese refugees recognized by the United Nations High Commissioner for Refugees (UNHCR), who had allegedly been arrested by Thai security forces and were being held at the immigration detention centre in Bangkok. It was also reported that Maung Maung Than had been arrested in Bangkok on 19 May 1993 and severely beaten and Par Pa had been arrested some time after that. Fears were expressed that they might be subjected to torture or ill-treatment while in detention.

532. On 8 July and 3 September 1993 the Government replied that in 1990 the Thai Cabinet had granted Myanmar students permission to stay temporarily in Thailand on humanitarian grounds on the condition that they did not engage in political activities while in Thailand. In 1992 the Government had established a safe area for Myanmar students which would provide them with adequate housing, food, medical care and access to education and training. The diplomatic community, UNHCR and private organizations in Thailand had been briefed on the humanitarian policy towards Myanmar students and details concerning the safe area; all of them agreed that this would provide the best protection and assistance to the Myanmar students under the prevailing circumstances. Despite the above-mentioned efforts, a number of Myanmar students had not applied to stay in the safe area and remained in hiding in Bangkok. A few groups of Myanmar students had made known their intention to engage in political activities against the Government of Myanmar while in Thailand. The Ministry of the Interior was therefore compelled to pursue the arrest of and to bring to trial on charges of illegal entry those Myanmar students who did not comply with the laws and regulations pertaining to the terms under which they could stay in Thailand. Maung Maung Than was reported to be a leader of the Overseas National Student Organization of Burma, which was engaged in activities against the Government of Myanmar and opposed the policy to establish the safe area. He was being held at the immigration detention centre on charges of illegal entry. On 13 July 1993 he had voluntarily decided to go to the safe area. With respect to the case of Par Pa, both the Ministry of the Interior and UNHCR had gone through the list of Myanmar students in Thailand, but had not been able to identify anyone

under the name of Par Pa. On the other hand, immigration officials stated that they had not mistreated persons detained at the immigration detention centre. Moreover, UNHCR had been granted access to Myanmar nationals detained at the centre on a regular basis.

Togo

Urgent appeals

533. On 6 May 1993 the Special Rapporteur sent an urgent appeal to the Government on behalf of the following persons: Latévi Prosper Lawson, Laté Jean Lawson, Jules Gagli, Rosali Gagli, Koffi Agbali, Sossouvi Afatchawo, Kossi Amedegounou, Koudjo Atsu, Kodzo Akakpo, Kossi Assignon, Alphonse Adjeovi, Agbévé Toyo, Komi Kpetigo, Sévi Sadi, Antoine Aboudou, Kossi Fiagnon, Folly Kuegan Yao Agbagnon, Tchassé Koumi Koffi Toyo, Ahamadou Boukari, Komi Hounkpati, Ekue Koulepato, Folly Ananou and Kokou Gakoto. According to the information received, these persons were arrested in Lomé several days after an attack on 25 March 1993 against the residence of President Gnassingbé Eyadéma. After their arrest, they were reportedly taken to the premises of the Lomé gendarmerie, where they were allegedly tortured.

534. With respect to this case the Government informed the Special Rapporteur that an investigation was being conducted in order to establish the responsibility of the above-mentioned persons in the attack carried out against the "Camp du Régiment Interarmes Togolais". Latévi Prosper Lawson, Jules Gagli, Kossi Amedegounou, Kodjo Akakpo, Kossi Assignon, Antoine Aboudou, Ekué Prosper Koulepato, Folly Ananou and Folly Kuegan had, however, been released from detention. Rosalie Gagli had been released on probation. Alphonse Adjeoui, Agbévé Toyo, Kossi Fiagnon and Sossouvi Afatchauo had been arrested on theft charges. Komi Kpetigo was charged with drug trafficking and Jean Laté was not known to the police or the gendarmerie.

535. The Government reply was transmitted to the source, which confirmed that most of the civilians arrested had subsequently been released. It observed, however, that the Togolese authorities did not appear to provide any response to allegations that those arrested were subjected to torture or ill-treatment, nor to have opened or carried out any investigation into those allegations.

536. On 3 September 1993 the Special Rapporteur sent an urgent appeal concerning a group of about 40 persons said to have been arrested on 26 August 1993 by the security forces in Agbandi and Diguine (central Togo) in connection with the disturbances which took placed after the results of the presidential election were announced. The detainees were allegedly beaten at the time of their arrest and then taken to the Blitta gendarmerie, where they were all locked into a cell designed to hold five prisoners. The next day, 15 of them were reportedly found dead, and four others were alleged to have died later. It was also reported that about 20 of the detainees were transferred to the Char prison in northern Togo. Fears were expressed that they might be subjected to torture or ill-treatment.

537. Another urgent appeal was sent to the Government, on 7 October 1993, on behalf of Kokou Okesson Mbooura, a teacher in Kétao, reportedly arrested on 27 August 1993 in Blitta while trying to locate a member of his family arrested the previous day in connection with the disturbances that broke out in Agbandi at the end of August. He was allegedly being held incommunicado at the Kara gendarmerie in the north of the country and fears were expressed that he might be tortured or ill-treated.

538. On 13 October 1993 the Government informed the Special Rapporteur that some people had been arrested at Agbandi on 26 August 1993 for having damaged electoral equipment and had been taken to the Brigade de Gendarmerie in Blitta. Kokou Okesson Mboura was one of the persons who visited the detainees. Also on 26 August some of them had been poisoned after eating food provided by visitors. Kokou Okesson Mboura had been arrested as he was delivering food containing syringes to one detainee. According to the report made by a toxicologist the syringes contained a very dangerous poison. The judicial authorities of Sokode had issued an order of detention against him and he had been taken to the civil prison in Kara. He had never complained before the judge about ill-treatment and received regular visits from his wife. He could also have access to his lawyer. The latter, however, had not yet asked the judge for permission to see his client.

539. In the light of the response provided by the Government the source stated that, without disputing the findings of the police laboratory, its main concern arose from the fact that no autopsies were carried out on the bodies of those who died, either to investigate allegations of torture or to establish the cause of death. The Government reply did not contain any response to allegations that the detainees died as a result of torture, ill-treatment and asphyxiation after 40 of them were crammed into a small cell. No inquiry into these serious allegations appeared to have been carried out.

Tunisia

Urgent appeals

540. During the period under review the Special Rapporteur sent three urgent appeals to the Government which are described in the following paragraphs. The dates on which they were sent appear in parentheses at the end of the corresponding summaries.

541. Abderrazak Hamzaoui, a student at the University of Tunis, was reportedly arrested on 19 September 1992 in the Ben Arous district of Tunis and taken to the Kasserine police station, where he was allegedly tortured and denied access to his family and lawyer. Concern was expressed for his health since he was said to have suffered osteomyelitis as a child, which had left him with weakened bones in his left leg. (18 December 1992)

542. On 28 January 1993 the Government replied that Abderrazak Hamzaoui had been arrested under suspicion of being a militant member of an unauthorized association that advocated violence and holding illegal meetings. The Department of the Public Prosecutor had been informed, on the same day, of his arrest. During the investigation which followed, he had admitted that he

belonged to the Al-Nahdah movement since 1986. On 1 November 1992, the Court had sentenced him to one year's imprisonment for membership of an illegal organization advocating violence, and to three months' imprisonment for holding illegal meetings. The Court had also ordered him to be placed under administrative supervision for two years. Mr. Hamzaoui had been granted all the legal guarantees necessary for his defence. He had not been subjected to torture and still less to ill-treatment while he was held in custody or during his detention. In addition, he had been given medical follow-up examinations through the prison and re-education services. His last medical examination had been on 7 January 1993. The certificate issued by the doctor afterwards stated that, as a child, Mr. Hamzaoui had had osteomyelitis, but that, at the time of the examination, he was suffering from no sickness or injury whatsoever.

543. The Government added that Tunisia had espoused the cause of human rights. The country's achievements in this area were exemplary. The unfounded allegations brought by hostile parties would not in any way weaken this commitment or shake this determination to cooperate with the international organizations.

544. Samir Moussa, a student abroad, was allegedly arrested on 25 July 1993 on his arrival at Tunis airport. His family was able to visit him briefly while he was at the airport police station, where he was informed that it was a purely routine check and that he would soon be released. However, when the case was brought to the attention of the Special Rapporteur he was said to be still in police custody at an unknown place of detention. (23 August 1993)

545. On 6 December 1993 the Government replied that Mr. Moussa had been released after 48 hours in detention. He had not been held incommunicado in an unknown place of detention and had not been subjected to ill-treatment.

546. Mohamed Tahar Badi was reportedly arrested at his home in Deggache, Touzer, on 28 July 1993. Since then, he had allegedly been held in police custody without being able to contact his family. According to the information received, his two sons and his daughter had been convicted last year of belonging to an illegal organization, which is why Mr. Tahar Badi had allegedly been subjected to repeated interrogation. (23 August 1993)

547. On 6 December 1993 the Government replied that Mr. Badi had been arrested on 25 August 1993 and released on the same day. He had not been held in custody for a long period and had not been subjected to ill-treatment.

548. Salaheddine Zikikout, a student in Paris, was reported to have been arrested on 8 August 1993 on arriving at the port of Tunis. Since then, he had allegedly been held in police custody and his family had not been able to obtain information on his place of detention or his state of health. (13 September 1993)

549. With respect to this case the Government informed the Special Rapporteur on 18 October 1993 that Salaheddine Zikikout had been arrested on the basis of a warrant issued by the Procurator-General for alleged membership of an unauthorized association that advocated violence and for illegal fund-raising.

He was detained in the civil prison of Tunis, where he could be visited by his family, and was being treated normally, in accordance with the 1988 prison regulations. The fears expressed in this regard were, therefore, unjustified.

Turkey

Information transmitted to the Government and replies received

550. By letter dated 29 October 1993 the Special Rapporteur advised the Government that he had received information according to which persons suspected of both ordinary and politically motivated crimes were routinely tortured in police interrogation centres throughout the country while being held in incommunicado detention. Despite legal provisions granting that detainees should have immediate access to attorneys in practice lawyers were usually denied such visits. It was also reported that, according to the law, ordinary criminal suspects could be detained for 24 hours for individual crimes and for up to 8 days for collective crimes before being brought before a court; this period, however, was extended to 30 days in cases of political suspects in the region under emergency legislation. According to the sources these circumstances constituted a major factor in the continued use of torture and ill-treatment. The individual cases referred to in the following paragraphs were communicated to the Government.

551. Soner Önder, a 17-year-old student, was arrested in Istanbul following an arson attack carried out in the name of the illegal Kurdish Workers' Party (PKK) on 25 December 1991 in Istanbul. He was reportedly taken to Istanbul police headquarters, where he was interrogated at the anti-terror branch until 8 January 1992, when he was formally arrested by the Istanbul State Security Court and sent to Bayrampasa prison. It was also reported that although he had signed a confession stating that he was a member of an armed organization and that he was responsible for several crimes he did so while he was blindfolded and without knowledge of its contents because he had been subjected to torture, including falaka (beating the soles of the feet), electric shocks, hanging by the arms and squeezing the testicles.

552. Mehmet Gökalp, representative of the Human Rights Association in Derik, was among a group of persons arrested following the funeral in Derik on 25 February 1992 of a member of PKK. He was taken to the Derik gendarmerie where he was alleged to have been hung up by his wrists with his arms tied behind his back, given electric shocks and hosed with water.

553. Servet Sayan was reportedly subjected to torture while being interrogated in March 1992 at the Second (Criminal) Branch of Istanbul police headquarters. Methods included suspension by the arms and being beaten on the testicles with a stick. After the family had lodged a formal complaint to the public prosecutor in April 1992, two members were threatened by the police.

554. Kadir Kurt was arrested on 19 April 1992 in Birik village, district of Bismil near Diyarbakir, and taken for interrogation to the gendarmerie battalion headquarters where he died the same night due to internal bleeding caused by pressure on the lungs from a broken sternum. His brother,

Davud Kurt, was also allegedly tortured; his hand and a number of ribs were broken. He reportedly stated that his brother had been subjected to torture, by means of a truncheon that was inserted into his anus.

555. Ramazan Sat was arrested on 24 March 1992 in Batman and interrogated for 12 days at Batman police headquarters on suspicion of harbouring members of PKK. He was reportedly subjected to torture by being beaten, stripped of his clothes, his arms tied to an iron pole and hoisted into the air; his body was reportedly soaked with water and electric shocks applied to his toes and penis, and he was hung by his wrists tied behind his back.

556. Saadik Cilik, Nuray Erdem, Mehmet Karabulut, Nurdan Odabas, Serdar Akat, Attila Sabanci, Fatma Ciçek (female), Latif Tiftikçi, Nuri Eryüksel, Etem Elma, Siral Demiral and Ayçe Erdem, artists working at the Ortaköy cultural centre in Istanbul, were arrested, apparently without reason being given, on 24 August 1992 at 9 p.m. in Eregli, near Zongdulak, and remained incommunicado at the anti-terror branch of the political police in Zongdulak until 2 September 1992. During that time they were reportedly subjected to several methods of torture, including hanging by the wrists or arms and electric shocks. Fatma Ciçek was reportedly subjected to falaka.

557. Fatma Gülten Sesen (female, owner of Mücadele newspaper and President of the Istanbul Branch of Prisoners' Families Solidarity Association (TAYAD)), Sultan Celik (female), Ufuk Demirkaya, Solmaz Tartar (president of the Istanbul Özgür-Der), Gülay Tan, Yasa Güzel (secretary-general of Malatya Özgür-Der) and Ayten Celik were arrested on 24 August 1992 between 4.30 and 5 a.m. in Karatas near Adana, apparently without reason being given, and taken to the Adana police station. They were alleged relatives of people working with Özgür-Der (Association of Rights and Freedom) or TAYAD. Before they were released on 30 August 1992 by the Adana's Prosecutor's Office, they were reportedly subjected to hanging by the wrists or arms, electric shocks, falaka and to being made to lay down on blocks of ice.

558. Ihsan Kurt was arrested on 11 October 1992 while taking photographs on behalf of his newspaper, Özgür Gündem, in Adana at the funeral of a killed PKK guerilla. He was reportedly held incommunicado from 11 to 19 October 1992 in Adana police headquarters, during which time he was subjected to several methods of torture, including being beaten with truncheons, sticks or the butts of guns, kicked and punched.

559. In the course of an operation carried out by the security forces on 20 February 1993 in the village of Ormaniçi, near Güçlükonak, in the province of Sirnak, most of the male villagers were tied together, blindfolded and marched into the town of Güçlükonak several kilometres away, where they were kept on a construction site near the gendarmerie headquarters for 12 days. They were reportedly stripped naked for interrogation in temperatures frequently well below zero and subjected to various forms of torture. It was alleged that they were hosed with cold water, raped with truncheons and bottles, in some cases toenails and fingernails were pulled out with pliers and excrement was mixed with their food. Water was allegedly poured on the concrete floor as a result of which the villagers' bare feet, already injured by falaka, were frozen to the floor where they stood and their sides also froze when they lay down to sleep. Many of them suffered from

severe frostbite, which subsequently became gangrenous. As a result Ibrahim Ekin's big toes had to be amputated; a large proportion of Resul Aslan's feet had to be amputated; 17-year-old Fahrettin Özkan had to have all his toes amputated; Mehmet Tahil Ceten's leg was amputated from the knee down in Diyarbakir State Hospital. Osman Ekincy was reportedly subjected to electric shocks and his toes were crushed with pliers. Hûseyin Yilairim was reportedly forced to eat human excrement, drink urine and petrol and, while he was bound, his hands and feet were burned.

560. Dr. Hassan Kaya and Meten Can, a lawyer and president of the Elazig branch of the Human Rights Association, disappeared on 21 February 1993 in Elazig after Mr. Can had received a telephone call from an alleged policeman telling him that one of his clients was involved in a car accident and that he should report right away to a police station. Dr. Kaya accompanied him. They were both found dead on 27 February 1993 near the town of Tunceli. Both bodies reportedly bore signs of torture and mutilation; their hands were bound behind their backs with wire, there were marks of cigarette burns, Dr. Kaya's eyes were gouged out and there was evidence of use of electric shock on Mr. Can.

561. Ibrahim Dicek was arrested on 20 March 1993 in the village of Baristepe in Mardin province and 10 days later his body was found in a well. The prosecutor's report allegedly stated that there were marks of beating with the intention of torture covering the entire body, as well as rope marks on both arms consistent with being dragged; the anal area was torn, suggesting that a hard object had been inserted as a method of torture. The autopsy allegedly revealed that the causes of death were respiratory and circulatory failures brought about by a blow on the head with a blunt object.

562. Gûlan Yavuz, a female student at Ankara University, was among a large group of persons arrested at the Ekin arts centre in Ankara on 18 April 1993 under suspicion of membership of the illegal armed organization Devrimci Sol. She was reportedly taken to the Istanbul police headquarters, where she was allegedly soaked with pressurized cold water, beaten on the sole of the feet, sexually assaulted, suspended by the arms and given electric shocks.

563. Irfan Ortakci was arrested in the same circumstances as Gûlan Yavuz. He was said to have been twice hung by the arms with the hands tied behind the back and hosed with cold and hot water. His sexual organ was pulled, squeezed and flicked.

564. Tûlay Cakmak, a female high school student, was arrested together with the two above-mentioned persons. She was allegedly hung, given electric shocks and sprayed with cold water. Another female student, Eylem Kaya, was beaten, soaked with water and threatened that they would do things to her to make her incapable of having children.

565. Hasan Durna, Cafer Oral, Ayhan Uzala and Nurettin Topuz were arrested on 6 May 1993 in Istanbul on suspicion of membership of an illegal armed organization. They were reportedly held in incommunicado detention for 14 days, during which time they were subjected to several methods of torture, including electric shocks and being hoisted off the ground by their wrists, which were tied behind their backs.

566. Mehmet Kiran was arrested on 17 June 1993 by soldiers in the village of Atala, near Mazidagi, in the province of Mardin, and taken to the gendarmerie station in Derik for interrogation. As a result of the treatment to which he was subjected one of his arms was broken.

567. On 21 June 1993, in the village of Orasar, near Cinar, province of Diyarbakir, soldiers and special team members reportedly assaulted male and female villagers, made them lie down, face to the ground and told them they would die if they moved. Then they allegedly started hitting them with the butts of their weapons, cigarettes were stubbed out on them and electrical cables attached to the armoured vehicles were used to give electrical shocks. This treatment reportedly continued all day.

568. Siddik Katan was arrested at Gümüsörgü village, near Kozluk, Batman, in July 1993 and held for 14 days at the police headquarters. As a result of the torture to which he was said to have been subjected one of his feet was broken.

Urgent appeals

569. In addition, the Special Rapporteur sent 17 urgent appeals on behalf of persons who, according to the information received, were at risk of being tortured. Summaries of these appeals are reproduced below. The dates on which the appeals were sent are mentioned in parentheses at the end of the corresponding summary.

570. Kamil Mustak, Bahattin Mustak, Mehmet Mustak, Abdullah Madak (aged 65), Ahmet Baglan, Mehmet Baglan, Cafer Diri, Mahmut Diri and Mehmet Diri were allegedly arrested on 17 February 1993 in the village of Yesilyurt, province of Sirnak, by soldiers carrying out police duties, accompanied by plain-clothed police, who surrounded the village and searched the houses for guns. (29 March 1993)

571. With respect to the cases of Kamil Mustak, Bahattin Mustak and Abdullah Madak the Government replied that they had been arrested on suspicion of having links with the terrorist organization PKK. Under a letter of authorization from the Procurator's Office of Cizre, they had been kept in custody until 3 March 1993, when they had been brought before the Procurator of Cizre. The Cizre Procurator had referred them to the magistrate's court of Cizre, which, after cross-examination, had decided to release them. Subsequently, the Procurator's Office of the Court of National Security at Diyarbakir had decided that there were no grounds for instituting proceedings.

572. With respect to the cases of Ahmet Baglan, Mehmet Baglan, Cafer Diri and Mehmet Diri the Government replied that they had been arrested and taken into custody following a police operation in the village of Yesilyurt, Cizre. They had been kept in custody until 1 March 1993 under authorization of the Procurator's Office of Cizre. They had appeared before the Procurator of Cizre on 1 March 1993 and had been referred to the magistrates' court of Cizre with a request for their committal to prison. After cross-examination, the court had decided to place the four suspects in detention on a charge of

belonging to PKK and engaging in activities on its behalf and providing it with assistance. On 2 March 1993 the file had been transmitted by the magistrate's court to the Court of National Security of Diyarbakir. The four suspects had been released on 19 April 1993 and on the same day the Court had decided to acquit them.

573. As for Mehmet Mustak, the Government stated that he had appeared before the Procurator of Cizre on 17 March 1993 and been referred that day to the magistrate's court of Mardin, which had decided to detain him and had transmitted the file to the Procurator's Office of the Court of National Security of Diyarbakir. On completion of the procedure, the Procurator's Office had initiated public proceedings on a charge of "belonging to the terrorist organization PKK". The case was continuing, although the suspect had been released on 4 May 1993.

574. Hasan Durna, Cafer Oral, Gültekin Gölçek, Ozcan Ozgen, Saime Bölügiray (female), Düzgün Gök, Nurettin Topuz and Ayhan Uzala were arrested in a police operation in Istanbul starting on 22 April 1993 and were being held incommunicado, without access to their lawyers, at the anti-terror branch of Istanbul police headquarters. The prosecutor had reportedly given the police permission to hold the detainees in custody until 7 May. (4 May 1993)

575. Cahide Sener and Murat Sener were allegedly arrested by the police on 12 June 1993 at Yildiz bakal, Samfistik sok, Birlik appartman 2, Istanbul. They were reportedly in custody at the Gayret Tepe prison, Terörle Mucadele Sube and, according to witnesses, they had seriously been tortured. (15 June 1993)

576. On 29 October 1993 the Government replied that these persons had been released on 24 and 26 June respectively. They had never filed a complaint alleging that they had been tortured.

577. Aysu Baykal (female), Mehmet Ali Beyhan and Sevinç Sahingöz: the first two persons were reportedly arrested on 5 June 1993 by the police in the Sincan district of Ankara, whereas Sevinç Sahingöz was brought to Ankara from Yozgat. They were all reported to be held at the anti-terror branch of Ankara police headquarters, and the State Security Court Prosecutor had given permission for the detainees to be held until 18 June. They were allegedly being held incommunicado without access to legal counsel. (17 June 1993)

578. With respect to these cases the Government replied that these persons had been arrested under suspicion of having links with terrorist groups. After interrogation the judicial authorities had issued an order of detention against Mehmet Ali Bayhan and Aysu Baykal and released Sevinc Sahingöz. While in custody, they had never been subjected to ill-treatment.

579. Türkan Balaban, Gülay Yücel, Meral Yücel, Zeynep Arikan, Necla Can, Ilker Alcan, Tuncer Bagdatlioglu, Fatma Gülten Sesen, Kamil Gülbag, Kudret Sarigül, Ethem Elma, Ali Ibrahim Soganci, Meltem Onder, Solmaz Artat, Mehmet Demir, Kemal Isik, Tarik Tolnay and Savas Dörtyol were reportedly arrested in a police operation in Istanbul on the afternoon of 21 June 1993.

It was reported that the prosecutor's office had granted permission to hold them for 15 days. Ethem Elma, Savas Dörtyol, Methem Onder and Gülay Yücel were reported to be in very bad condition as a result of heavy torture. (5 July 1993)

580. On 16 August 1993 the Government replied that on 21 June 1993, the office of the weekly paper Devrimci Cözüm had been attacked by five armed unidentified persons. During the attack, Cafer Giritli, Ozgür Akbulut, Nurcan Güzel, Erkan Yalçin, Gülay Kahraman and Onder Dursun who were in the office, had been injured. There had been an inquiry into the incident and police operations had been started. During these operations, the suspects mentioned in the appeal had been arrested and placed in police custody. After being interrogated, they had been released by the court authority. It had been established that, while in police custody, the persons in question had not been subjected to any form of ill-treatment.

581. Ramazan Kiran, his father Mehmet Kiran, Vahap Celik and Izzetin Celik were reportedly arrested in the village of Atala near Mazidagi in the province of Mardin on 17 June and taken to the gendarmerie station at Derik for interrogation. It was reported that Mehmet Kiran was transferred to Diyarbakir State Hospital when his condition deteriorated and his arm was broken, allegedly as the result of torture. (5 July 1993)

582. With respect to these cases the Government replied that Mehmet Kiran, Vahap Celik and Izzettin Celik had not been taken into custody. Ramazan Kiran and Adbulvahap Ceri had been arrested on 14 June 1993 and taken into custody by the Mardin gendarmerie. Under questioning, Ramazan Kiran had confessed to his participation inter alia in the activities of the terrorist organization PKK, in a murder and in the armed attack on the house of the mayor of the village of Atalar. Ramazan Kiran and Abdulvahap Ceri had been brought before the judicial authorities on 8 July 1993 and placed in detention in Mardin prison by judicial decision. They had not been subjected to any form of ill-treatment or torture while in custody and the proceedings had been conducted in accordance with the law.

583. Ramazan Malgir, Hasan Temiz, Nurettin Temiz and Halef Bortas were among the villagers arrested on 21 June 1993, during a raid by the security forces on the village of Ortasar, in the province of Diyarbakir. Two of the villagers who were released the following day reportedly returned to the village in very bad condition, allegedly as a result of torture. The remaining detainees were said to be held in incommunicado detention at the Diyarbakir gendarmerie headquarters, and fears were expressed that they might be interrogated under torture. (5 July 1993)

584. With regard to these cases the Government replied that these persons had been taken into custody under suspicion of carrying out activities on behalf of PKK and of helping that organization. The Court of National Security, before which they were brought, had decided to place them in detention. They had not been subjected to any form of ill-treatment or torture and the proceedings had been conducted in accordance with the law. No one else had been taken into custody following the operations in question.

585. Mehmet Keklik was reportedly arrested by the police on 27 May 1993 in Alçiçekköyü (his native village, close to Elbistan), along with six other persons from neighbouring villages. He was being held at the State security prison at Malatiya (Devlet Güvenlik Mahkemesi). A relative who was able to see him allegedly reported that Mehmet Keklik had been so badly tortured that his face was difficult to recognize. (13 July 1993)

586. Nezahat Özmen, correspondent for the Özgür Gündem newspaper, was detained on 16 July 1993 in Mardin. According to the reports, on 19 July 1993 she had to be transferred to hospital as a result of the ill-treatment she had suffered while in detention, in spite of being seven months pregnant. The police reportedly came to the hospital and insisted that she be taken before a judge and formally arrested, although she was in need of continuing medical treatment. She was then committed to Mardin prison. (2 August 1993)

587. On 22 September 1993 the Government replied that Nezahat Özmen had been taken into police custody on 19 July 1993 for making unfounded accusations and for offensive and insulting behaviour towards the police. A statement had been taken from her, and the same day she had appeared before the Government Procurator, who had immediately referred her to the magistrates' court at Mardin. By decision of 19 July 1993, the court had ruled that she should be placed in detention. Before being brought before the judicial authorities, Nezahat Özmen had undergone two medical examinations, followed by reports on her state of health. According to these medical reports there were no traces of blows or wounds on her person and she made no mention of any ailment. After her statement was taken on 19 July 1993, she had said that she was six or seven months pregnant, whereupon she had been taken to the appropriate doctor. Her situation having been taken into consideration, she had been brought before the court that same day.

588. Ahmet Ibili, correspondent for the weekly newspaper Mücadele in Mersin, was reportedly arrested when the police raided the office of the newspaper on 18 August 1993. Ahmet Ibili was said to have resisted and, in response, to have had his head hit against the floor until he lost consciousness. He was reportedly taken to the Mersin police headquarters where, according to witnesses, he was being subjected to severe torture and death threats and he was being denied water. (1 September 1993)

589. On 23 November 1993 the Government replied that this person had been taken into custody on 17 August 1993. After being interrogated the judicial authorities had issued an order of detention against him. Medical reports indicated that he had not been submitted to torture while in custody.

590. Abdullah Ay and Semsettin Ay, from Kelekçi village; Mehmet Tekin, Ömer Ünal and Mecit Memiç from Kayikli village: according to the reports, on 27 July 1993, village guards and the security forces set fire to houses in Kelekçi, Günegli and Kayikli near Dargeçit, province of Mardin, on the border with Syria. This was reportedly done in retaliation for the villagers' refusal to take up arms as village guards. The villagers were then driven away, but returned later and tried to rebuild their villages. On 30 August, village guards from neighbouring Altinoluk came again to these villages, with a team from the gendarmerie (soldiers carrying out police duties in rural areas), gathered the inhabitants together and told them to leave, threatening,

if they refused, to destroy all houses and kill those found still living there. They then took away the five people mentioned above. Ömer Ünal was reportedly being held in the house of the head of the village guards and the others in the school of Altinoluk village, under the surveillance of the gendarmerie team. It was also reported that they were all being subjected to torture. (14 September 1993)

591. The following persons were reported to be held in incommunicado detention at the anti-terror branch of Istanbul police headquarters:

(a) Memik Horoz and his wife Sezemis were reportedly arrested in Istanbul on 17 September 1993 at the office of the political magazine, Partizan. Reportedly, Sezemis Horoz' arm was broken when she was being detained.

(b) Ismail Yilmaz, Ulku Daricioglu and Ethem Cilgin were allegedly arrested at their homes in Istanbul on the same day. Ahmet and Mehmet Polat were allegedly taken into custody on 20 September, also at their homes in Istanbul.

(c) Fethiye Peksen, Alisan Yalçin, Harun Kartal, Ibrahim Dogus, Özlem Bilgin, Erkan Koç, Yesim Taciroglu, Perihan Sürücü, Mehmet Emin Yildirim, Kamil Kayan, Erdogan Aktas, Bekir Yazici, Aydin Yigit, Kemal Metin Sözeri, Murat Urekrsoy, Ercan Yesil, Yusuf Büyükdag and Sevim Yagan. These 18 persons were reportedly arrested during police operations in Istanbul which started on 17 September 1993. They were accused of being members of the illegal armed organization Devrimci Sol. (30 September 1993)

592. On 26 November 1993 the Government replied that Fethiye Peksen and 16 others had been arrested and taken into custody in the context of police operations carried out in Istanbul against the terrorist organization THKP/C-dev-Sol. Subsequently, the judicial authorities had decided to keep 14 of them in detention and release the other three. They had neither been subjected to ill-treatment nor prevented from having contacts with their relatives and lawyers.

593. Information was also received on the arrest of the following nine persons, reported to be held in incommunicado detention at the police headquarters in Van, eastern Turkey: Rukiye Seker, Sevda Seker, Ercan Seker, Adnan Seker, Sevket Aslan, Baris Karaagar and Iskender Elter. They were all reportedly arrested at their homes on 14 September 1993. Fuat Atalay and Cahit Ece were both reportedly arrested as they left work on 17 September 1993. (30 September 1993)

594. With respect to these nine persons the Government replied on 26 November 1993 that they had been arrested and taken into custody on 18 September 1993 on suspicion of giving assistance to PKK, killing under the name of this organization and attempting to set a school on fire. After their interrogation they had been brought before the judicial authorities who had decided to keep Boris Karagar, Sevket Aslan, Iskender Elter, Fuat Talay and Cahit Ece in detention. Medical reports indicated that they had not been ill-treated while in police custody.

595. Behçet Ekinci was arrested at his home in Diyarbakir on 21 September 1993, by officers from the anti-terror branch of Diyarbakir police headquarters. Police officers reportedly occupied the house during the following three days and detained everyone who visited. The following night, around the same time, the police reportedly brought Behçet Ekinci back to his home, covered in blood and bruises. They searched the house for explosives but found nothing and took Behçet Ekinci back to police headquarters. (4 October 1993)

596. Nilufer Koç, a Kurdish interpreter of Turkish origin, resident in Germany: on 25 September 1993 she reportedly travelled to Turkey with four colleagues from an information service in Bremen to act as interpreter for them while they carried out research in the south-eastern provinces of Turkey. On 29 September they were reportedly arrested by security forces in Uludere, Sirnak province, and kept overnight in the house of a village guard. The following day they were reportedly escorted back to Sirnak in a military convoy and held, first by the police and then by the gendarmerie. At this point Nilufer Koç was separated from her colleagues, who were subsequently released. According to the reports, Nilufer Koç was being held in the gendarmerie headquarters in Sirnak. (8 October 1993)

597. Kerim Yilmaz, Nurettin Aslan, Önder Dilek and Ahmet Günes were reportedly taken from their homes in Elazig on 2 October 1993 by police and members of the "special team" (heavily armed police used in anti-insurgent operations). They were said to be held at the Binsekizyüz Evler police interrogation unit in Elazig. Family members were reportedly refused access to the detainees. (14 October 1993)

598. On 26 November 1993 the Government replied that Ahmet Günes and Kerim Yilmaz had been arrested on 28 September and 2 October 1993 respectively under accusation of collaboration with PKK. The judicial authorities had ordered their release on 6 October 1993. While in custody, they had neither been subjected to ill-treatment nor prevented from having contacts with their families.

599. Mehmet Sirin Ögünç, Hakim Ögünç, Zeki Ögünç, Hüseyin Ugurlu, Sami Duygu and Hüsamettin Duygu: according to the reports, on 2 October 1993 gendarmes from the Gökyazi security post raided a district of Altinova, province of Mus, where a wounded PKK guerrilla was thought to be sheltered. An exchange of fire occurred in which the wounded guerrilla and a gendarme were killed. The security forces left the area but returned at about 3 a.m. on 3 October and burned a number of houses. The male population was assembled on vacant land below the town and addressed by a gendarmerie officer who abused them before taking away the persons mentioned above. (14 October 1993)

600. It was reported that in the early hours of 20 October 1993, officers of the anti-terror branch of the Sanliurfa police detained Mehmet Caki, a board member of Democracy Party (DEP) in Viransehir, his wife Saime and their five-month-old baby, together with Mehmet Delen, a visitor to their house in Viransehir. The following day, Mehmet Delen and Saime Caki were released and expressed concern that Mehmet Caki was being tortured, since Saime Caki had heard her husband's screaming. Two other former detainees reported seeing

Mehmet Caki at the police headquarters; his face was apparently swollen, he had marks on his hands and face, and appeared very exhausted. (29 October 1993)

601. Meral Bestas Danis, Mesut Bestas, Sabahattin Acar, Baki Demirhan, Hûsniynie Olmez, Sinasi Tur and Arif Altinkalem, all lawyers who collaborate with the Human Rights Association in Diyarbakir, were arrested on 15 and 16 November 1993. They were reportedly being held incommunicado in police custody. (19 November 1993)

602. Ômer Celik, Hûseyin Ogurlu, Cemil Ôgût, Ethem Baysak and Abdurahman Elçi were arrested on the night of 18 November in Altinova, province of Mus, south-east Turkey, by members of the security forces. Another inhabitant, Mahfuz Elçi, arrested at the same time, was released a few hours later after having been tortured. (24 November 1993)

603. In addition to the lawyers mentioned in the appeal of 19 November 1993, the Special Rapporteur received further information adding the names of two other lawyers: Vedat Erten and Tahir Elçi (from Cizre). In addition, a third lawyer, Niyazi Cem was alleged to have been arrested by members of the anti-terror police of the State Security Court of Istanbul on 23 November 1993. (30 November 1993)

Information received from the Government on cases included in previous reports

604. On 19 November 1992 the Special Rapporteur made an urgent appeal on behalf inter alia of Celal Meral, Ziya Ulusoyl and Mehmet Ustundaj, reported to have been arrested in Istanbul in November 1992. On 11 January 1993 the Government informed the Special Rapporteur that they had been arrested, together with 19 others on 5 November 1992, during operations carried out in Istanbul against the terrorist organization TKP/C. After their interrogation, seven of them, including those listed above, had been imprisoned, on 20 November 1992, and the other 15 released by decision of the court before which they had been brought. They had not been subjected to any ill-treatment whatsoever while they were in police custody.

605. On 12 January 1993 the Government replied to the cases referred to in the following paragraphs, transmitted by the Special Rapporteur on 16 September 1992.

606. Mehmet Rauf Yildz, Murat Günes, Ibrahim Burakmat and Mehmet Hanifi Eser were reportedly arrested on 3 November 1991 in Diyarbakir. According to the Government they were placed in police custody on 12 November 1991 on suspicion of engaging in activities for the terrorist organization PKK. The medical report of the forensic physician certified that they were in good health.

607. Mithat Kutlu allegedly died while in custody in Diyarbakir on 18 April 1992. According to the Government, he was seriously injured when he was crushed in a crowd, during an illegal demonstration in Bismil on 18 April 1992. He died as a result of his injuries at the Diyarbakir hospital where he had been taken. An autopsy report had been made.

608. Menice Kirtay was reportedly arrested in Mescit, Silvan, district of Diyarbakir, on 19 June 1992. According to the Government, no person by this name had ever been placed in police custody. Nor was there any record of any report having been made about this person by the Diyarbakir hospital.

609. Sûkrû Yilmaz, was reportedly arrested on 4 March 1992 in Sagosele, Besiri. According to the Government, after a medical examination on 13 March 1992, the forensic physician of Besiri reported that he observed no signs of bodily injury. However, a report made on 14 March 1992, by the same forensic physician, indicated that there were bruises on his body. He had never made a complaint about his treatment.

610. In the light of this reply the sources informed the Special Rapporteur that Sûkru Yilmaz had submitted a very detailed complaint (copy of which was available) to the public prosecutor in Batman on 16 March 1992 describing his torture. However, he might have revised his statement for the Besiri prosecutor as a result of undue pressure.

611. Bisenk Anik, aged 16, allegedly died in police custody in Sirnak on 25 March 1992. According to the Government, she committed suicide with a firearm while she was in police custody.

612. Sekvan Aytuq, allegedly detained in Sirnak on 14 May 1992: according to the Government, he was arrested at Sirnak on 25 May 1992. It was established that he was not subjected to any ill-treatment while he was in police custody, and that no one visited him during that time.

613. Abdullah Arisoy, Sait Arisoy, Halil Arisoy, reportedly arrested in Cizre on 30 June 1992: according to the Government, they were under no circumstances subjected to ill-treatment while in police custody. They had spread these allegations in order to influence and deceive the court and public opinion.

614. Ali Komak, Erdal Cecit, Ahmet Dagli, Abdulkadir Bingöl, Abdurrahman Aksoy, Abûlhamit Tanriverdi, Emin Sores, Mahmut Kirmizigûl, Faruk Sakik, Abdullah Yasin, Salih Baykara, Yusuf Sen, Aziz Sen, Nimet Elki, Ihsan Ogan, arrested in Cizre in July 1992: according to the Government, they were arrested in Cizre for belonging to the terrorist organization PKK. On 4 July 1992, they were taken to Sirnak where they were held. Legal proceedings were initiated against them. Aksoy, Dagli, Cecit and Bingöl were released in Cizre on 8 July 1992.

615. Yusufhan Zorba, Mehmet Sirin Zorba, Senar Turqut, Muhittin Aksin, Sakir Kanat, Cemal Kocak, Hûseyin Karakoyun, Sehmuz Karakoyun, Hayrettin Yacan and Salih Bagi allegedly arrested in Van in September 1991: according to the Government, the medical report made by the Mardin hospital indicated that these persons were not subjected to any ill-treatment or torture while they were in police custody. Furthermore, neither they nor their close relatives had filed any complaints with the courts to the effect that they were subjected to such practices.

616. Ibrahim Türk, reportedly arrested on 6 May 1991 in Bismil, Diyarbakir: according to the Government, the relevant medical report indicated that there were no signs of bodily injury.

617. Erdogan Kizilkaya, reportedly arrested in Kayseri on 4 August 1991: according to the Government, the relevant medical report indicated that there was no ill-treatment.

618. Fahri Tirpan, Haydar Emrah, Goskun Kilickaya, Bektas Ozkan, Ali Azkan, Gazi Koksal, Ali Haydar Emre and Ercan Karafas, reportedly arrested in Ankara on 10 January 1992: according to the Government, medical reports showed that none of these persons was subjected to any ill-treatment whatsoever during the time they spent in custody.

619. Nazli Top, reportedly arrested in April 1992 in Istanbul: according to the Government, the report made by the Istanbul Institute of Forensic Medicine indicated that there were no signs of bodily injury.

620. Omer Ozaslan, reportedly arrested on 1 May 1992 in Zonguldak: according to the Government, the medical report showed that he did not suffer any ill-treatment whatsoever during the time he spent in custody.

621. Ismail Yilmaz, reportedly arrested on 27 June 1992 in Istanbul: according to the Government, on the basis of the complaints alleging that he was subjected to torture, legal proceedings were initiated against the three police officers at the Yedikule police station said to be involved.

622. Hüseyin Aten and Salih Yilmaz, reportedly arrested in January 1991 in Bilican (Kavsakli): according to the Government, the allegations of torture were not true. They had not been arrested on the alleged date and they were not known by the inhabitants of the Bilican village.

623. Ali Kesan, aged 16, allegedly died in police custody in Diyarbakir in March 1992. According to the Government, the allegations of torture were baseless. He was not detained in Diyarbakir Closed Prison (E Type) and no person of this name had died at the said prison.

624. Kadir Kurt, allegedly died in police custody in Diyarbakir-Bismil, province of Diyarbakir, on 19 April 1992. According to the Government, the allegations of torture were baseless. The person died with the fire from opened houses during the armed clashes with the PKK terrorist organization at Agilli village in Bismil district. The autopsy made at Diyarbakir state hospital revealed that he had been killed with a firearm. No signs of torture were encountered on his body.

625. Abdulrakip (Refik) Akin, reportedly arrested in Korkut, province of Mus, on 29 January 1992. According to the Government, the allegations of torture were baseless. He had fallen and entered into shock without any intent or interference. He was treated at Mus and Elazig state hospitals and died after three days without coming out of the state of shock. The autopsy was effected by the Mus attorney-general. Death occurred because of trauma to the head due to the knock. No trace of torture was found on his body.

626. Mehmet Celik, was reportedly arrested in Batman-Kozluk, province of Batman, on 9 January 1992. According to the Government, he was arrested after he was identified as having given assistance and refuge to members of the PKK terrorist organization. He later admitted the facts and confessed that he had given his testimony without any pressure and that he regretted what he had done. A medical report issued on 13 October 1992 stated that no signs of force or strike had been found on his body.

627. Hassan Gûldal, reportedly died at the Artvin provincial gendarmerie command in June 1992. According to the Government, the allegations of torture were not true. He was a member of the TKP-ML-TIKKO terrorist organization. After being arrested, he began a hunger strike and died of a stomach haemorrhage. The autopsy was effected in the presence of the Artvin attorney general. No signs of torture had been found on his body.

628. Tahir Seyhan, allegedly died on 11 April 1992 in Mardin-Dargecit, province of Mardin. According to the Government, the allegations of torture were baseless. After he had been identified as having created "people's courts" in the name of the PKK terrorist organization and given logistical support to the PKK terrorist organization, he was arrested. While in police custody, he fell intentionally on the concrete floor and knocked his head. He was brought to the state hospital under doctors' surveillance and a first medical intervention was effected. He died at Diyarbakir state hospital while under treatment. Following the autopsy made at Diyarbakir state hospital, it was identified that he died because of the trauma to his head due to the knock on the concrete surface. No signs of torture were found on his body.

629. On 11 January 1993 the Government provided the Special Rapporteur with information on Law No. 3842 (CMUK), approved by the Turkish Grand National Assembly on 18 November 1992, which entered into force on 1 December 1992. This law reportedly amended some provisions of the Code of Criminal Procedure and the Law on Establishment and Prosecution Procedures of the State Security Courts. It also abolished some provisions of the Law on Police Duties and Powers and the Anti-Terror Law. According to the Government, the law contained effective measures for the prevention of torture and ill-treatment and introduced important amendments with respect to the right of defence.

Observations

630. The Special Rapporteur welcomes recent amendments to the law which could go some way to alleviating the problem of torture in respect of persons suspected of ordinary crime and outside zones where a state of emergency obtains. The Special Rapporteur is also mindful of the difficulties faced by the authorities as a result of the violent and often brutal acts of PKK and other armed opposition groups. Nevertheless, the information available to the Special Rapporteur and his predecessor over many years gives grounds for concern, in the words of the findings of an inquiry conducted by the Committee against Torture acting under article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, about "the existence and systematic character of the practice of torture" (A/48/44/Add.1, para. 58) in Turkey. He also shares the Committee's hope that

the Government of Turkey "will take peaceful and effective measures in order rapidly to end the practice of torture" (ibid., para. 59). To this end, the Special Rapporteur limits himself to commending the various recommendations contained throughout the summary account of the Committee's inquiry.

Information submitted by the Government in connection with Commission resolution 1993/48

631. By note verbale dated 15 November 1993 the Government sent to the various special rapporteurs and working groups of the Commission six information notes concerning terrorist acts perpetrated by the Kurdish Workers' Party (PKK), according to which, between 1 January and 15 October 1993, 879 persons, including 107 women and 104 children had been assassinated during attacks against the civilian population. In addition, 889 persons, including 129 women and 71 children, had been severely injured during those attacks. The information notes also contained a number of detailed accounts of such incidents.

Yugoslavia

Information transmitted to the Government and replies received

632. On 18 November 1993 the Special Rapporteur brought to the attention of the Government of the Federal Republic of Yugoslavia information he had received regarding the case of Vuk Draskovic, President of the Serbian Renewal Movement, and his wife Danica Draskovic, reported to have been severely beaten following their arrest by the police in Belgrade on 1 June 1993. A team of professors from Belgrade University Medical Faculty reportedly examined them in the week beginning 14 June and concluded that Vuk Draskovic was suffering from headaches, disrupted balance, amnesia and impaired hearing, all pointing to brain and skull damage, which did not preclude the possibility of further complications. They also concluded that Danica Draskovic had suffered injury to her spine, and that in both cases injuries had been inflicted by repeated powerful action with a blunt mechanical instrument. They were released from custody on 9 July 1993. However, because of their poor medical condition they remained in the neurological clinic in Belgrade.

633. On 14 December 1993 the Government replied that those members of Mr. and Mrs. Draskovic's family who had visited them had not stated that they had been seriously injured or that they had objections to their medical or any other treatment.

634. On 13 October 1993 the Special Rapporteur sent un urgent appeal concerning Muhamet Hamiti, a writer and professor, who was arrested by the police in Pristina, Kosovo, on 12 October 1993 at around 11 a.m. after leaving a private house where he had been giving a class. In view of reports received indicating that students and teachers of Albanian origin were frequently arrested for short periods of time and subjected to torture or ill-treatment while being interrogated, fears were expressed that Mr. Hamiti might be subjected to this kind of treatment.

635. With respect to this case the Government replied on 4 November 1993 that no criminal or torts proceeding had been brought against a person named Muhamet Hamiti and that nobody by this name had been detained in the district prison since 12 October 1993.

Information received from the Government on cases included in previous reports

636. On 19 January 1993 the Government provided the Special Rapporteur with information on the cases referred to in the following paragraphs, which had been communicated to it on 21 August 1992.

637. Marco Mikela, a lawyer, died after he was arrested on 31 October 1991 while leaving Pec for the village of Sutpe. According to the Government, the traffic patrol on the Pec-Stupe road stopped the car Marko Mikela was in, on 31 October 1991. When asked to produce identification he refused and injured a policeman, then he tried to seize an automatic gun from one of the police who pushed him to the ground. He received a few scratches and bruises. At the police station, Marko Mikela became sick and was immediately taken to the neurosurgery clinic in Pristina, where he died on 11 November 1991. The doctor who performed the autopsy on him, stated that Mikela had died from natural causes. The police used force against Marko Mikela and the other passenger in his car, trying to repel their attack. No force was used against them in the police station.

638. Ali Hadzija, a refugee from Albania living in Kosovo, died on 25 November 1991 after having been arrested by the police and taken to Urosevac. According to the Government, he was arrested under an order issued by the municipal court for petty offences in Urosevac. The next day he was taken to the district prison in Pristina where he died. The Forensic Institute of the Medical School in Pristina carried out an autopsy and found that he had died of a heart attack. When he was detained in the district prison, Ali Hadzija said nothing about his health condition.

639. Rifati Redzep, a journalist of the Bujku magazine, and Selim Djizimi, principal of the elementary school in the village of Kamena Glava near Urosevac, were reportedly tortured in November 1991 at the police headquarters in Urosevac. According to the Government, they were brought to the police station because they organized the celebration of the National Day of Albania in the "Fazli Obradza" elementary school in Kamena Glava. The celebration was opened by playing the Albanian national anthem. The song sung and the verses read had nationalistic and hostile connotations. During the proceedings, Selim Djazimi was sentenced to 40 days' imprisonment for organizing the celebration, while Redzep Rifati was only interrogated. The allegations concerning the use of force against these persons were completely unfounded.

640. Rustem Sefedini was allegedly severely beaten by the Urosevac police in October 1991. According to the Government, the allegations about physical ill-treatment were false. He was brought to the police station for having organized a protest of students, their parents, teachers and other people of Albanian origin against the school programmes. The municipal magistrate sentenced him to 60 days in prison for organizing an unauthorized rally, disparaging the authorities and disturbing citizens.

641. Ismet Krasnici was reportedly beaten at the police station in Pec on 29 January 1992. According to the Government, Mr. Krasnici and a group of ethnic Albanians forcibly entered the lobby of the "Dzemal Kada" elementary school in Pec and interrupted the classes in the Serbian language by shouts and noise. Mr. Krasnici insulted and tried to assault physically the principal. No force was used against him. He was being tried for a misdemeanour offence.

642. Avdimetaj Amrusen was reportedly beaten by the police in Pec in October 1991. According to the Government, he was interrogated because he allegedly organized a school in the Albanian language at his home without permission. A group of students were found at the house on 3 October 1992 by the police, but no force was used against any of them.

643. Enver Sinani was reported to have been beaten at the police station in Magura on 3 January 1992. According to the Government, Mr. Sinani was interrogated by police about the illegal possession of a weapon. He afterwards voluntarily handed over his gun and bullets. Proceedings were instituted against him. No force was used.

644. Daut Krasnici, a student from Vranovci near Pec, was reported to have been beaten by police in October 1991. According to the Government, he was stopped in the street in Pec by police who asked for his identity card. He refused to produce it and was rude. He was sentenced to 20 days' imprisonment for a disdainful attitude towards the police.

645. Muja Faruk, aged 12, was reported to have been beaten by police in Magura in April 1991. According to the Government, he was brought to the police station in February 1992, on suspicion of having committed the criminal act of grand larceny. He was released immediately after his arrest. No force was used against him.

646. Mentor Kaci, Sokolj Dobruna and others were reported to have been ill-treated in Pec prison in December 1991. According to the Government, they were members of the clandestine hostile organization "Resistance and National Liberation Front of Albanians" ("National Front of Albanians"). They were interrogated by the police and charges were filed against them. They were then brought before the examining judge of the district court in Pec. As for the allegations of their physical mistreatment, the infirmary records of the District Court in Pec registered the treatment of these patients for sore throats and similar health problems.

647. Zenun Djeljaj and Ibrahim Osamni were reported to have been arrested on 20 June 1992 at the police check point just outside Peja. According to the Government, they were stopped by police in a regular traffic control on the Pec-Pristina highway. Some propaganda materials glorifying Albania, ridiculing the Serbian leadership, advocating the idea of establishing the "Republic of Kosovo", etc., were found in their car. After interrogation at the police station, they were released. They were not subjected to any force.

648. The Government also reported that no information was found in official records on measures taken against the following persons: Ali (Redzep) Kadrijaj from Restovici near Decani; Fadil Kraljani from Pec; Jasar Salihadziaj from Radovici near Pec; Mirtzaj Bajramu from Pec; and Avdi Ulaj from Pristina.

Observations

649. During the period under review, the Special Rapporteur has received very little direct information on torture in the territory of the former Yugoslavia. Since the appointment in August 1992 of Mr. T. Mazowiecki as Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, the information received has been processed by his staff in Geneva and Zagreb and has been reflected during 1993 in the reports contained in documents E/CN.4/1994/3 of 5 May 1993; E/CN.4/1994/4 of 19 May 1993; E/CN.4/1994/6 of 26 August 1993; E/CN.4/1994/8 of 6 September 1993 and E/CN.4/1994/47 of 17 November 1993. This was done both to avoid duplication of efforts and to ensure a comprehensive approach to the former Yugoslavia, as well as to make optimum use of the expertise that the case requires. On the other hand, with respect to Bosnia and Herzegovina the Special Rapporteur's usual procedures for communicating allegations to the Government concerned cannot usefully be applied to a country where it is estimated that two thirds of the territory are not under the control of the recognized Government.

United Kingdom of Great Britain and Northern Ireland

Information received from the Government on cases included in previous reports

650. By letter dated 18 October 1991 the Special Rapporteur advised the Government that he had received information alleging that Damien Austin, aged 17, had been subjected to ill-treatment at the Castlereagh detention centre in Belfast in May and August 1991.

651. On 10 February 1993 the Government replied that the complaints from Mr. Austin related to his detention from 7 to 10 May 1991 and from 17 to 20 August 1991. Following his release, on both occasions, he had made formal complaints about his treatment at the holding centre. The complaint in May was classified as incapable of investigation by the Independent Commission of Police Complaints (ICPC) under regulation 17 of the Royal Ulster Constabulary (RUC) Complaints Regulations 1988 because of the non-cooperation of Mr. Austin. When he was arrested in August he had already sustained some injuries, including a wound to his ear which had been treated and stitched. However, during his detention in Castlereagh it was alleged that he had been further injured, and his solicitor went to court for a writ of habeas corpus. Before the case was heard Austin was released. The complaint had been investigated by RUC, under the supervision of ICPC and a report had been forwarded to the Director of Public Prosecutions (Northern Ireland). DPP (NI) had issued an interim direction on 16 November 1992 stating that the consideration of the complaint would have to await the outcome of civil proceedings lodged by Mr. Austin. It would not be appropriate, therefore, to comment further until all civil, criminal or disciplinary proceedings had been completed.

652. With respect to the safeguards against ill-treatment of persons detained in custody for questioning, the Government informed the Special Rapporteur that in the case of non-terrorist suspects the Police and Criminal Evidence (Northern Ireland) Act 1989 introduced safeguards affecting police power, the rights of persons in police detention, police discipline and complaints against the police. It also introduced codes of practice in connection with powers of search and seizure of property, detention, treatment, questioning and identification. This legislation constituted a major package of reforming legislation.

653. All interviews with terrorist suspects under arrest were also subject to a range of statutory safeguards. Suspects under arrest were given the right to have someone informed of their arrest, to be informed of the grounds for their arrest and to consult a solicitor. The continued detention of a suspect had to be reviewed periodically by a review officer unconnected with the case. All interviews with terrorist suspects were monitored by uniformed officers (who had no other dealing with the case) with the aid of close-circuit television. In addition, the Government had announced that it would appoint an independent commissioner to oversee the holding centres.

654. The procedure for investigation of complaints was governed by the Police (Northern Ireland) Order 1987. Complaints of ill-treatment were investigated by RUC. The investigation might be directly supervised by the Independent Commission for Police Complaints, if it so chose.

655. Once the investigation had been completed, a full report, together with the views of the Deputy Chief Constable of RUC on the incident, was submitted to the Independent Commission for Police Complaints. Depending on the outcome of the investigation, the case might then be referred to the Director of Public Prosecutions for Northern Ireland, who was entirely independent of both police and government. Disciplinary charges might be brought against the police officer or officers concerned if this was thought necessary by the police or the Independent Commission for Police Complaints.

United Republic of Tanzania

Information transmitted to the Government

656. By letter dated 26 August 1993 the Special Rapporteur informed the Government of reports he had received concerning Mahimbo Kaoneka, a retired civil servant and chairman of the registered political party Chama Cha Demokrasi, who was arrested on 19 December 1992 on Msimbazi Street, in the city centre of Dar es Salaam. He was taken to the Msimbazi police station where he was alleged to have been severely beaten by several officers, who did not tell him the reason for his arrest. He was released the following day. A doctor at the Muhimbili medical centre who examined him on 21 December found that one of his ribs had been broken and his right eye damaged.

Zaire

Information transmitted to the Government and replies received

657. By letter dated 3 November 1993 the Special Rapporteur advised the Government that he had received information according to which civilian opposition supporters, including members of the main opposition party, the Union for Democracy and Social Progress, as well as members of the security forces identified as opposition sympathizers, had been arrested and tortured, sometimes while held in secret detention centres. It was also reported that about 30 soldiers were arrested in January 1992 after occupying the national radio station in Kinshasa and broadcasting statements calling for the Government to resign. They were reportedly held incommunicado at Kinshasa's Tshatshi military barracks, where they were reported to have been regularly stripped and beaten with whips and gun butts, stabbed with bayonets and subjected to mock executions and, in some cases, sexually assaulted. Two months later, 11 of those arrested appeared at a trial before the Higher Martial Court, which refused to allow an independent investigation into claims by some of the defendants that they had been forced to make false incriminating statements under torture, and rejected demands by lawyers that they should be examined by a doctor.

658. The case of Jean-Claude Bahai was also reported. This person was arrested in Kinshasa on 13 September 1992 by members of the Special Residential Division after criticizing the Government's policies in a private conversation. He was taken to the Tshatshi camp, where he was allegedly stripped naked, showered with a high pressure hose, beaten with military belts, burned with hot metal and shaved with broken bottle glass. He was also said to have been whipped some three times each day. He was released three days later. Although he reported his ordeal to the authorities, no investigation or disciplinary action was reportedly carried out.

Urgent appeals

659. The Special Rapporteur transmitted to the Government four urgent appeals on behalf of the persons referred to in the following paragraphs, regarding whom fears were expressed that they might be subjected to torture. The date on which the appeals were sent is mentioned in parenthesis at the end of the corresponding summary.

660. Mukendi Wa Mulumba, lawyer, former president of the bar of Kinshasa and political adviser to the Prime Minister; Mpika, Major, security official of the Prime Minister; Nbaka, Lieutenant; Nyangele; Justin Mobikayi, protocol official of the Prime Minister; Michel Kembo; Olenga Nkoy, official representative of the Prime Minister; M. Akoy, journalist with the newspaper *Umoja*; and Guillaume Ngefa Atondoko, President of the Zairian Association for the Defence of Human Rights. These persons were reportedly arrested on 13 December 1992 at the Kinshasa airport while waiting for a French delegation whose members were active in the field of human rights. At the moment of the arrest they were allegedly beaten up by soldiers of the Special Presidential Division, then taken to the premises of the Civil Guard and from there

transferred to the dungeons of the gendarmerie (CIRCO). Mr. Ngefa Atondoko was reported to have been released while still at the airport, after having been beaten. (23 December 1993)

661. Olenga Nkoy, adviser and official representative of Prime Minister Tshisekedi, was arrested on 29 April 1993 and taken to the CIRCO ("Circonscription militaire") in Kinshasa where, according to witnesses, he was being tortured. He was reportedly charged with instigating a revolt against the legally established authority. (4 May 1993) Another urgent appeal was sent to the Government on behalf of Olenga Nkoy on 14 May 1993, given the fact that he had been reportedly released and again arrested a few days later.

662. With respect to this case the Government replied on 9 August 1993 that Olenga Nkoy was being prosecuted for the following offences punishable under Zairian law: insulting the Head of State; incitement of the population against the established Government and inciting the armed forces to disobedience. A warrant for his provisional detention had been issued, in accordance with the regulations, by the judge in chambers and the officer of the Government Procurator's Office had made an application for judicial review to the Supreme Court of Justice. Meanwhile, the defendant remained in detention and could receive visitors.

663. By virtue of the Penal Code, book 1, article 67, the Zairian Government characterized torture as a crime; therefore, it could not authorize or tolerate it. Consequently, the defendant was safe and sound and his physical integrity was inviolate.

664. Tabura Kabuga, Musabimana, Nzabomimana, Ndambara, Kabunga, Ndayambaje, Kasuka, Muhozi and Kacuku wa Ngeyo, said to be part of a group of about 20 members of the Banyarwanda ethnic group, were reportedly arrested on or around 13 August 1993 in Goma, in the region of Kivu Nord, in the eastern part of the country. Shortly after the arrest, they were allegedly taken to Kinshasa, but their exact place of detention was not known. (1 September 1993)

Zambia

Information transmitted to the Government

665. By letter dated 29 October 1993 the Special Rapporteur informed the Government of allegations he had received concerning Cuthbert Ngune, Member of Parliament for Chipata, and Henry Kamima, former head of security when the United National Independence Party was in government. They were reportedly arrested at the beginning of March 1993 under the Preservation of Public Security Regulations which came into force after a state of emergency was declared on 4 March 1993. It was alleged that Mr. Nguni was questioned without a break for 39 hours, during which time he was made to balance on two bricks, to perform exercises that involved spinning in one place to induce dizziness and that when he fell to the ground he was kicked. Mr. Kanima was reported to have been tied to a chair and punched.

III. CONCLUSIONS AND RECOMMENDATIONS

666. As in previous years, it must be concluded that torture occurs, lamentably, in a significant number of countries. It is virtually axiomatic that situations where torture is systematically practised are characterized by one or both of the following phenomena:

(a) The legal system does not provide the institutional safeguards needed to restrain law enforcement officials and members of security forces from resorting to abusive and illegal behaviour to achieve their aims. In particular, persons suspected of crimes or of possessing information relevant to the detection of crime are left in the hands of their interrogators without access to the outside world or other authoritative external supervision. In effect, they are detained incommunicado. They cannot call the outside world to their aid and their captors and interrogators presume they are insulated from external interference. Indeed, in this sense, this element is connected with the second one.

(b) Those conducting the torture enjoy de jure or de facto impunity. De jure impunity generally arises where legislation provides indemnity from legal process in respect of acts to be committed in a particular context or exemption from legal responsibility in respect of acts that have in the past been committed, for example, by way of amnesty or pardon. De facto impunity occurs where those committing the acts in question are in practice insulated from the normal operation of the legal system. Such immunity may begin with the absence of safeguards of the sort mentioned in (a) above. Sometimes the safeguards may be formally in place and applicable, but those charged with maintaining public order are allowed to become "a law unto themselves" or, more accurately, the law is prevented from reaching their acts. Legality and the rule of law are dispensed with. In the case of torture, grave crimes are committed in the name of maintaining public order. Nothing can be more corrosive of general respect for law, without which no organized society can in the long term be secure.

667. The United Nations is aware of these phenomena. It was in the context of its efforts to combat torture that the General Assembly, in its resolutions 3218 (XXIX) and 3453 (XXX), set in motion the drafting of the instrument that was to become the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. This instrument constitutes a compilation of safeguards, respect for which would radically inhibit the incidence of torture in the world. Of crucial importance in this respect are Principles 15, 16, 18, 19, 24, 25, 29, 32 and 33. In this context, the Special Rapporteur recalls the words of Principle 15 whereby "communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days".

668. As regards impunity, the World Conference on Human Rights evinced a general concern with the problem in the Vienna Declaration and Programme of Action, part II, paragraph 91 of which states:

> "91. The World Conference on Human Rights views with concern the issue of impunity of perpetrators of human rights violations, and supports the

> efforts of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine all aspects of the issue."

In addition, concerning the specific issue of torture, part II, paragraph 60 states:

> "60. States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law."

669. Furthermore, in resolution 1993/40, under which the Special Rapporteur was appointed, the Commission on Human Rights endorsed the recommendation of his predecessor that whenever a complaint of torture is found to be justified, the perpetrators should be severely punished, especially the official in charge of the place of detention where the torture is found to have taken place. (E/CN.4/1992/17, para. 294 (i)).

670. In the final analysis, the elimination of torture is a matter of political will. Its persistence is testimony to the failure of political will. Where it occurs the absence of safeguards and the prevalence of impunity is the measure of the gap between the commitment to its eradication and the political will required to enforce the commitment.

671. The Special Rapporteur appreciates the spirit of cooperation shown by those Governments that have responded to information he has transmitted to them. Yet he cannot conceal his disappointment at the incidence of responses that seem designed more to camouflage rather than deal with serious situations characterized by torture, such as flat denials, references to unspecified or unsubstantiated investigations, references to legal procedures that have already been so compromised as to be incapable of affording the inquiry or information or remedy they are alleged to be able to afford. There is no dearth of recommendations that may be made to Governments seriously committed to ending torture. Most of them have been made by the previous Special Rapporteur and endorsed by the Commission. The Special Rapporteur confirms his own view as to their value and commends them for serious action by Governments.
